

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 9th day of July, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Orginal Application No. 290 of 1993.

Mukesh Kumar S/o Sri Laloo Babu  
R/o House No. 81, Mohalla- Khanno  
Distt. Bareilly.

.....Applicant

Counsel for the applicant :- Sri P.K. Srivastava  
Sri M.A Haseen.

V E R S U S

1. Union of India through the Secretary, M/o Defence  
New Delhi.
2. The Commanding Officer, U.P. Area, Provost Unit,  
Cantt. Bareilly (UP)
3. The Brigadier/ Office Incharge (Records), U.P.  
Area, Provost Unit, Cantt. Bareilly (UP)

.....Respondents.

Counsel for the respondents :- Km. Sadhna Srivastava.

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

Applicant has approached this Tribunal under section 19 of the Administrative Tribunal's Act, 1985, against the order dt. 12.10.1992 by which applicant has been awarded punishment of dismissal from service on conclusion of disciplinary proceedings.



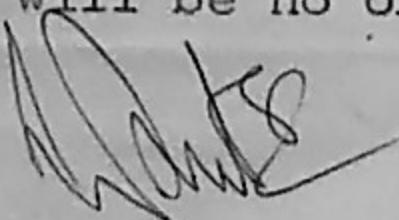
2. Applicant was serving as Civil Painter in U.P Area Provost Unit, Bareilly. He absented from duty w.e.f 20.02.1985. His case is that he had fallen ill and when he offered to join the post on 01.03.1985, he was not allowed.

3. Against the order of punishment, applicant has statutory remedy to file appeal before the next higher authority. As the questions involved in this case are such which can be better appreciated by the appellate authority, in our opinion, it would better serve the ends of justice to give opportunity to the applicant to file an appeal against the order of punishment which may be considered and decided in accordance with law.

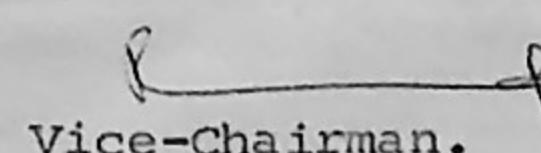
4. Learned counsel for the applicant has submitted that if appeal is filed by the applicant now, it would be time barred. We have heard Km. Sadhna Srivastava, learned counsel for the respondents on this question. As this O.A has been pending in this Tribunal, we can give liberty to the applicant to file appeal and give a direction to the respondents to consider his appeal in accordance with law ignoring the question of limitation.

5. The O.A is accordingly disposed of finally with liberty to the applicant to file appeal before competent appellate authority within one month from receipt of copy of this order. If the appeal is so filed, it shall be considered and decided by the appellate authority in accordance with law on merits within four months from the date of filing. The appeal shall be treated within time.

There will be no order as to costs.



Member- A.



Vice-Chairman.

/Anand/