

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

(10)

**O.A. NO.** / 318/91 with M.A. 325/95 &  
**T.A. NO.** M.A. St. 202/95

**DATE OF DECISION** 30-11-1995

Harish D.Ramanuj

**Petitioner**

Mr.Girish Patel

**Advocate for the Petitioner (s)**

**Versus**

Union of India & ors.

**Respondent**

Mr.Akil Kureishi

**Advocate for the Respondent (s)**

**CORAM**

**The Hon'ble Mr. N.B.Patel**

**Vice Chairman**

**The Hon'ble Mr. V.Radhakrishnan**

**Member (A)**

**JUDGMENT**

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

J.W.

Harish D.Ramanuj

Post : Bagathala  
via : Morbi,  
Dist : Rajkot.

Applicant

Advocate      Mr.Girish Patel

versus

1. Union of India,Through :  
The Secretary,  
Department of Posts,  
Ministry of Communications,  
Dak Bhavan,  
New Delhi.
2. Postmaster General,  
Rajkot region,  
Rajkot.
3. Sr.Suptd.of Post Offices,  
Rajkot division,  
Rajkot.

Respondents

Advocate      Mr.Akil Kureshi

ORAL ORDER

O.A.318/91 with  
M.A.325/95 &  
M.A.ST.202/95

Date: 30-11-1995

Per Hon'ble Shri N.B.Patel      Vice Chairman

Mr.Girish Patel states that, during the pendency of this O.A., punishment order dismissing the applicant from service passed on 20-5-1993. He further states that as the applicant was under the misconception that he need not file a departmental appeal since this O.A. was pending and hence, he has not preferred any departmental appeal against the dismissal order. He also states that the applicant

will be satisfied at this stage, if the Appellate Authority is directed to entertain his appeal without raising any contention of limitation. He also states that in that case, the Appellate Authority may be directed to decide the question relating to the "put off" period. In the circumstances of this case, we find that this ~~is~~ to be a fit case where the Appellate Authority should be directed to entertain the appeal without raising any question of limitation or delay. Accordingly, we direct that if the applicant submits a departmental appeal latest by 31-12-1995, the Appellate Authority shall entertain the appeal without raising any question of limitation or delay and shall decide the appeal on merits as early as possible including the applicant's contention regarding the treatment of "put off" period. If the applicant is aggrieved by the order which may be passed in the ~~case~~ ~~appeal~~ ~~behalf~~, it will be open to him to pursue legal remedy for having that order set aside. In view of these directions, Mr. Girish Patel seeks permission to withdraw the present O.A. with liberty as mentioned above. Permission granted with liberty as prayed for. O.A. stands disposed of as withdrawn. Since the O.A. is disposed of, M.A. 325/95 & M.A. St. 202/95 do not survive.

*10/1*  
( V. Radhakrishnan )  
Member (A)

*7*  
( N.B. Patel )  
Vice Chairman

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