

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.526 OF 2008

Cuttack this the 30th day of March, 2011

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

...
Bhajan Sahu ...Applicant
-VERSUS-
Union of India & Ors....Respondents

ORDER

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER:

1. Heard Shri S.P.Mohanty, learned counsel for the applicant and Shri S.B.Jena, learned Addl.Standing Counsel for the Respondents and perused the materials on record.
2. Shorn of unnecessary details, it would suffice to note that the applicant, while working as GDSBPM, Bhengarajpur B. O., having been proceeded against on account of certain misappropriation, was imposed with the punishment of removal from service with immediate effect. However, the appeal preferred against the said order of punishment, the Appellate Authority rejected the appeal upholding the punishment as imposed by the Disciplinary Authority. While the matter stood thus, the applicant preferred a petition before the Revisional Authority, viz., Chief Post Master General, Orissa Circle, Orissa, in consideration of which the Revisional Authority, vide Annexure-A/7 dated 21.9.2006 rejected the petition preferred by the applicant, solely on the ground that the petition had been preferred beyond the prescribed period of six months and that the petitioner had not explained the reasons for belated submission of revision petition. Being aggrieved, the applicant has moved this Tribunal with the prayer for quashing the orders of the Disciplinary Authority, Appellate Authority and the Revisional Authority vide Annexures-4, 5 and 7 respectively, and further to

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issue such direction as may be deemed fit and proper in the facts and circumstances of the case.

3. Respondent-Department have filed their counter opposing the prayer of the applicant.

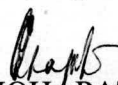
4. We have considered the submissions made by the learned counsel for the parties and given our anxious consideration advanced at the Bar. In the first instance, we are of the opinion that the orders passed by the Revisional Authority vide Annexure-7 is based only on the technical point of delay and has been dealt with unceremoniously. We are conscious that the petitioner has not explained as to what prevented him from preferring petition within the time prescribed for the purpose. At the same time, we would be failing in our duty if we take a view before the matter could be dealt with by the Revisional Authority in its proper perspective.

4. In our considered view the ends of justice would be met if we would direct the Revisional Authority, viz., Chief Post Master General, Orissa Circle, Orissa to reconsider the petition preferred by the applicant against the orders of the Disciplinary Authority as well as the Appellate Authority, if necessary, by giving a personal hearing in the matter on merit and pass a cogent order within a period of 45 days from the date of receipt of this order under intimation to the applicant.

5. For the purpose of technicality, we quash the order of Revisional Authority at Annexure-A/7 dated 21.9.2006.

With the above observation and direction, this O.A. is disposed of No costs.


(A.K.PATNAIK)
JUDICIAL MEMBER


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER

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