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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

OA No. 22 of 2009

Pravat Kumar Pattnaik Applicant

Vs

Union of India & Others. Respondents

For the Applicant -M/S.Chitra Padhi,Monalisa Devi
Mamata Swain, Counsel.

For the Respondents -Mr.G.Singh, ASC.

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Order dated: 22nd September, 2011 (ORAL)

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THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)
AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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The Applicant is an Assistant Postmaster working
in the GPO, Bhubaneswar. His prayer in this OA is as under:

- “1. Quash the revised charge sheet dated 30.04.1997 (Annexure-A/3)
2. Quash the order of punishment dated 20.01.04 (Annexure-A/9);
3. Quash the order dated 26.03.04 (Annexure-A/12) giving the benefit of financial up-gradation w.e.f. 01-07-04.
4. Issuance of direction to the Respondent to issue revised order of giving the applicant the benefit of second financial up-gradation under BCR scheme w.e.f. 14.04.1998 on the day he completed 26 years of regular service.”

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✓ 2. Respondents filed their counter contesting the case of the Applicant and the Applicant has also filed his rejoinder.

3. We have heard Learned Counsel for both sides and perused the materials placed on record.

4. Annexure-A/3 is the charge sheet under Rule 14 of the CCS (CC&A) Rules, 1965 issued to the Applicant. Annexure-A/9 is the order of punishment imposed by the Disciplinary Authority and Annexure-A/12 is the order wherein he was allowed the financial up gradation under BCR scheme with effect from 01-07-2004. As it appears, the Applicant has not preferred any appeal against the order of punishment under Annexure-A/9 but preferred a Review Petition under Annexure-A/10 dated 03-01-2005 to the Chie Postmaster General, Orissa Circle, Bhubaneswar who in his letter under Annexure-A/11 dated 23rd January, 2006 rejected the said Review petition not on merit but on the ground that the said petition was preferred beyond the period of limitation provided in the Rules. As it further appears, shifting of the date of grant of the BCR benefit was due to the punishment order at Annexure-A/9. Since the order at Annexure-A/11 has not been challenged in this OA, on being asked, Learned Counsel for the Applicant seeks to insert the prayer to quash the order under Annexure-A/11. But at this stage we are not inclined to grant him time for this purpose.

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Perused the order at Annexure-A/11 and it is found that the authority rejected the Review Petition of the applicant on the ground of limitation instead of on merit. Though power is available with the authority to waive the hypertechnicality of limitation for dispensation of justice, no justification has been given in not exercising the power to condone the delay.

5. It is trite law that dismissing a petition on the technical grounds of limitation would not in any way, advance the interests of justice but admittedly, result in failure of justice as the order is likely to affect not only the person concerned but also hundreds of other similarly situated persons. The Hon'ble Apex Court have also held that the expression 'sufficient cause' should, therefore, be considered with pragmatism in justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay. Hyper technical rule of law should not stand on the way of dispensation of justice. The above view gains support from the decisions of the Hon'ble Apex Court in the cases of **State of Bihar and others v. Kameshwar Prasad Singh and another, AIR 2000 SC 2306 & State of Haryana v. Chandra Mani and others, AIR 1996 SC 1623.**

6. In view of the above, we feel that instead of deciding the matter on merits, ends of justice would be met, as prayed, if we quash the order at Annexure-A/11 and remit

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the matter back to the concerned authority to consider the Review Petition on merit and communicate the decision in a well reasoned order within a period of 90(ninety) days from the date of receipt of copy of this order. Ordered accordingly.

7. In the result OA stands disposed of. No costs.

[Signature]
(A.K.PATNAIK)
Member (Judl.)

[Signature]
(C.R.MOHAPATRA)
Member (Admn.)