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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.816 of 2012

Cuttack, this the 14th day of November, 2012

CORAM

THE HON'BLE DR.R.C.PANDA, MEMBER (ADMN.)
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

Guru Prasad Mohapatra,
Aged about 38 years,
S/o.Late Bidyanath Mohapatra,
Vill-South Munda Muhana,
Post-Janla, Dist. Khurda,
Working as Postal Assistant,
Khurda Head Post Office.

.....Applicant

Advocate(s) - Mr.P.K.Padhi

-Versus-

Union of India represented through –

1. Secretary cum Director General of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi -110 116.
2. Chief Postmaster General,
Odisha Circle,
At/Po-Bhubaneswar,
Dist. Khurda-751 001.
3. Senior Superintendent of Post Offices,
Puri Division,
At/Po/Dist.-Puri-752 001.

.....Respondents

Advocate(s) - Mr.S.K.Patra,ASC

.....

O R D E R (ORAL)

DR.R.C.PANDA, MEMBER (ADMN.):

Heard Shri P.K.Padhi, Learned Counsel for the
Applicant and Shri S.K.Patra, Learned Additional Standing
Counsel for the Respondents and perused the materials placed on
record.



2. This Original Application has been filed by the Applicant with the following prayers:

“The Hon’ble Tribunal may graciously be pleased to quash Annexure-A/1, A/5 & A/7;

And further be pleased to direct to refund the increment amount of 3 months which has been withheld with due interest & costs;

And direct the Respondents not to treat the contributory negligence by the defraud of other staff to be bad record of service & provide independent charge to applicant.”

3. From the records, it is observed that against the order of punishment, vide order dated 30.09.2009 (Annexure-A/5), the Applicant has preferred a Revision Petition on 03.08.2010 before the Chief Post Master General, Odisha Circle, Bhubaneswar (Respondent No.2) which was rejected on 18.07.2011 (Annexure-A/7) on the ground of being time barred *inter alia* without considering the points on merit as raised by the Applicant.

4. During the course of hearing for admission, Shri Padhi, Learned Counsel for the Applicant submits that the Applicant will be satisfied if a direction is given to the Respondents to consider his appeal to be filed by him within 15 days and appropriate order is passed by the Appellate Authority, within a specific time frame.


5. It is seen from the pleadings that the Applicant has preferred only a representation and the said representation was time barred. He has not given any reason for submitting such representation belatedly. Therefore, the Appellate Authority without going through the merit of the matter disposed of the

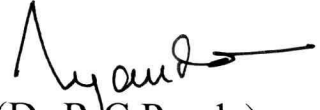


representation as time barred. In view of the concession granted by the Learned Counsel for the Respondents to consider the applicant's appeal on merit, the order of the Appellate Authority dated 18.07.2011 (Annexure-A/7) deserves to be quashed and is accordingly quashed. Resultantly, without going into the merit of the matter, it is directed that if the Applicant prefers an appeal, within a period of fifteen days hence, the Appellate Authority, shall consider the same and communicate the decision through a reasoned and speaking order to the Applicant within a period of 60(sixty) days thereafter. Ordered accordingly.

6. With the above observation and direction, this OA stands disposed of at this admission stage itself. No costs.

7. Copy of this order along with copy of the OA be sent to Respondent No.2.


(A.K.Patnaik)
Member (Judl.)


(Dr.R.C.Panda)
Member (Admn.)