

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. MA 365 of 2001
OA 1411 of 96

Date of order : 4.3.2002

Present : Hon'ble Mr. B.P. Singh, Administrative Member
Hon'ble Mr. M.L. Chauhan, Judicial Member

RABINDRA NATH SINHA

VS

UNION OF INDIA & ORS.

For the applicants : Mr. D.C. Bhattacharjee, counsel

For the respondents : Ms. U.S. Sanyal, counsel

O R D E R

When this case was taken up it was brought to our notice that the show cause notice dated 26.7.96 (Annexure 'G') was issued to the applicant to which he made a representation dated 16.8.96 (Annexure 'H'). The Revisioning Authority after due consideration of the representation and the show cause notice, passed a final order dated 7.10.96 (Annexure 'I'). By this order the Revisioning Authority enhanced the punishment order given by the Disciplinary Authority and other authorities and therefore this order became the first order so far as the case of the applicant is concerned. According to the provisions of CCS(CCA) Rules the applicant was entitled to prefer appeal against this order before the competent authority. From the perusal of the OA it appears that no appeal has been preferred, instead the applicant has filed this OA on 29.11.96. Thus this OA has been filed without availing of the opportunity of the normal channel for settling the grievances under the CCS(CCA) Rules.

2. From the above we find that the applicant wasted about 6 years time in delaying the consideration of his grievances. When this fact was brought to the notice of the ld. counsel for the applicant he submitted that the full facts were not brought to his notice.

3. Ld. counsel for the respondents has filed reply in this case and contested the averments made in the application.

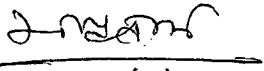
4. From whatever has been observed by us in the above paragraphs, it is clear that right to make appeal against the order dated 7.10.96

was available to the applicant which he has not exercised under the CCS(CCA) Rules. He has already wasted about 6 years' time. The 1d. counsel for the applicant prays to withdraw the case and prefer an appeal against the said order before the Appellate Authority. He also prays that time spent by him in filing this OA before the Tribunal should be condoned for the purpose of limitation in preferring the appeal. As the applicant has filed this OA within the statutory period prescribed ~~for appeal~~ on 29.11.96, we are agreeable to the above prayer of the 1d. counsel for the applicant.

5. In view of the above, we hereby permit the 1d. counsel for the applicant to withdraw the case. We give liberty to the 1d. counsel for the applicant to file an appeal before the appropriate authority and in case the appeal is filed within 4 weeks from today the Appellate Authority will not take the ground of limitation and entertain the ~~on merit~~ appeal and dispose of the appeal ~~by~~ passing a speaking order within 3 months from the date of receipt of the appeal.

6. With this direction the OA is disposed of. The MA also stands disposed of. No order as to costs.


MEMBER (J)
in


MEMBER (A)