

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 20.5.97

OA 75/96

Rajan Mochi, Postal Assistant, Head Post Office, Mavli Junction, Distt.Udaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Communication (Deptt.of Posts), New Delhi.
2. Sr.Supt.of Post Offices, Udaipur.
3. Director, Postal Services, Eastern Region, Ajmer.
4. Post Master General, Eastern Region, Ajmer.
5. Chief Post Master General, Rajasthan Circle, Jaipur.
6. Member, Personnel, Postal Board, New Delhi.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Vijay Mehta

For the Respondents

... Miss Padmini Rathore,
brief holder for
Mr.J.P.Joshi

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN



Applicant, Rajan Mochi, in this application u/s 19 of the Administrative Tribunals Act, 1985, has mainly challenged Ann.A-19 dated 27.3.95, by which his petition, questioning the orders of break in service under FR 17(A), awarded by the Sr.Supt.of Post Offices, Udaipur, vide an order dated 29.7.89, due to participation of the applicant in strike on 25.5.89, was rejected. The applicant has also challenged the order passed in appeal on 31.12.90.

2. We have heard the learned counsel for the applicant and Miss Padmini Rathore, Advocate, brief holder for Mr.J.P.Joshi, counsel for the respondents and have carefully perused the records. Parties have agreed to this matter being disposed of at the stage of admission.

3. The grievance of the applicant is that his petition, at Ann.A-14 dated 19.1.94, after the communication at Ann.A-13 dated 10.3.93, was made known to him, was not considered on merits and it was rejected merely on the ground that he has not given his explanation for the delay in presenting the petition. The applicant did give his explanation for the delay, as evidenced by the Gram letters at Ann.A-16 dated 31.1.95 and Ann.A-18 dated 21.2.95, and t

respondents should have considered these reasons for the delay.

4. In the circumstances, we dispose of this OA at the stage of admission with a direction to respondent No.4 to consider the reasons for delay and if he finds that the delay is condonable in the interest of justice, in the circumstances of the present case, the petition at Ann.A-14 dated 19.1.94 be decided on merits. No order as to costs.


(O.P.SHARMA)

ADM. MEMBER

VK


(GOPAL KRISHNA)
VICE CHAIRMAN