

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 583 OF 2009**

Tuesday, this the 27<sup>th</sup> day of July, 2010

**CORAM:**

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

P.Surendran  
Ex-GDS MD, Parandode  
Thiruvananthapuram North Postal Division  
Thiruvananthapuram ... Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil )

versus

1. Inspector Posts  
Nedumangad Sub Division  
Nedumangad
2. Superintendent of Post Offices  
Thiruvananthapuram South Postal Division  
Thiruvananthapuram – 36
3. Union of India represented by  
Chief Post Master General  
Office of the CPMG, Kerala Circle  
Thiruvananthapuram ... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC )

The application having been heard on 27.07.2010, the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER**

The applicant has filed this O.A challenging the Punishment Order dated 01.10.2003 and the Appellate Order dated 27.02.2004 and the Revisional Order dated 29.05.2009.

2. While the applicant was working as Extra Departmental Delivery Agent, Parandode he was served with a charge memo. Thereafter, after



having an enquiry by the order dated 01.10.2003 found the applicant guilty of charges and was removed from service against which he has filed an appeal before the Appellate Authority in turn. The Appellate Authority confirmed the order passed by the Disciplinary Authority as per order dated 27.07.2004. The applicant though filed a revision petition, the Revisional Authority has passed an order on 29.05.2009 dismissing the revision on the ground of delay and without considering the matter on merits. In the above circumstances, the applicant has filed the present O.A.

3. In pursuance to the notice ordered from this Tribunal the respondents have filed the reply statement in which the stand taken is that as per the enquiry report the applicant was found guilty of the charges and thereafter the Appellate Authority also considered the matter on merits and apart from that it is further stated in paragraph 9 of the reply statement that the limitation period for preferring the revision petition is six months and the applicant has filed a revision petition after the expiry of more than 5 years. Hence the Revisional Authority, on this ground, has dismissed the revision petition.

4. We have heard the counsel appearing for the parties and we have perused the rule position. After considering the arguments of the counsel for the parties, without considering the merit of the matter, we have considered only the question of delay in filing the petition for consideration by the authorities concerned. In this context it is only to be looked into Rule 19 of the Service Rules for Postal Gramin Dak Sevaks which reads as follows:-



### **19. Revision**

- (1) *Notwithstanding anything contained in these rules -  
the Head of the Circle or Region  
any other authority immediately superior to  
the authority passing the orders; or  
any other authority specified in this Behalf by  
the Government by general or special order,  
and within such time as may be specified in  
that general or special order,*

*may, at any time, either on its own motion or otherwise call for  
the records of any enquiry or disciplinary case and revise an  
order made under these rules, reopen the case and after  
making such enquiry as it considers necessary, may*

- (a) *confirm, modify or set aside the order  
or*  
(b) *pass such orders as it deems fit;*

*Provided that no such case shall be reopened under this rule  
after the expiry of six months from the date of the order to be  
revised except by the Government or by the Head of Circle or  
by the postmaster General (Region) and also before the  
expiry of the time limit of three months specified for preferring  
an appeal under Rule 14 :*

*Provided further that no order imposing or enhancing any  
penalty shall be made by any Revisionary Authority unless the  
Sevak concerned has been given a reasonable opportunity of  
making a representation against the penalty proposed and  
where it is proposed to impose any of the penalties specified  
in Clauses (v) to (vi) of Rule 9 or to enhance the penalty  
imposed by the order sought to be revised to any of the  
penalties specified in those clauses, no such penalty shall be  
imposed except after the enquiry in the manner laid down in  
Rule 10, in case no such enquiry has already been held.*

- (2) *No application to revise an order made on an  
application for a revision or order passed or made on a  
revision shall be entertained."*

5. A reading of the above rule, the first proviso of which would clearly show that even after the expiry of 6 months from the date of the order to be revised can be entertained by the Government or the Head of Circle or the Postal Master General of the region. It means that in ordinary case, a revision can be filed by the applicant within six months, if any such



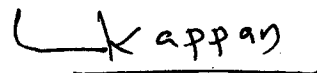
matter comes before the authorities mentioned in the proviso even after the expiry of six months the case shall be reopened under the above rules. If so, Annexure A-3 order passed by the Revisional authority requires re-consideration.

6. In the above circumstances we feel that the O.A can be allowed by directing the third respondent to consider the revision petition filed by the applicant and take a decision in the matter on merits. Accordingly the O.A is allowed by directing the third respondent to reconsider the revision filed by the applicant and pass appropriate orders thereon on merits within sixty days from the date of receipt of a copy of the order.

Dated, the 27<sup>th</sup> June, 2010.



**K GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**JUSTICE K.THANKAPPAN**  
**JUDICIAL MEMBER**

VS