

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 110/89

DATED MONDAY THE TWENTYSEVENTH DAY OF FEBRUARY
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI G. SREEDHARAN NAIR, JUDICIAL MEMBER

A. Sukumaran Nair

Applicant

Vs.

1. Assistant Superintendent of Post Offices, Trivandrum North Sub Division, Trivandrum-695 008
2. Senior Superintendent of Post Offices, Trivandrum North Postal Division, Trivandrum and
3. Union of India represented by Secretary, Department of Post, Government of India, New Delhi

Respondents

M/s. G. P. Mohanachandran,
K. R. Haridas &
S. K. Vijayasankar

Counsel for the applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for the respondents

ORDER

Hon'ble Shri G. Sreedharan Nair

Heard counsel for the applicant and the ~~the~~ ^{Govt Standing} Counsel.
2. The relief that is claimed in this application by an Extra Departmental Mail Carrier, is, to quash the order dated 30.9.1985 removing him from service and for consequential reinstatement. It is stated in the application that though the applicant has preferred an

appeal before the second respondent in accordance with the Service Rules, for the Extra Departmental Staff, the second respondent has failed to consider the appeal and is " abdicating his function~~ing~~."

3. Though ex facie, the prayer for cancellation of the order dated 30.9.1985 is beyond time, as it was submitted by Advocate Mr. G. B. Mohanachandran appearing on behalf of the applicant that the applicant will be satisfied with a direction to the second respondent for the consideration and disposal of the appeal submitted by the applicant, we admit the application to that limited extent. Since copies of the application and the documents have been served on the Senior Central Government Standing Counsel, we proceed to dispose of finally the Original Application itself.

4. Under Rule 10 of the Extra Departmental Delivery Agents (Conduct and Service) Rules, it is open to an employee to file appeal against an order imposed ~~against~~ ^{on} him any of the penalties specified under rule ~~11~~ ¹². In view of Rule 11, the appeal has to be preferred within a period of three months from the date of receipt of copy of the ~~Passed~~ order against him. However, the proviso to the Rule states that the Appellate authority may entertain the appeal after expiry of the said period if ~~they are~~ ^{they are} ~~it is~~ ^{cause} satisfied that the applicant has sufficient ~~case~~ for

not submitting the appeal in time. As such, when the applicant has preferred the appeal, the second respondent has a duty to consider whether the appeal is to be entertained and if so to dispose of it on merits. We hereby direct the second respondent to do so.

5. The Original Application is disposed of as above.


27.2.1989
(G. Sreedharan Nair)
Judicial Member
27.2.1989


27.2.89
(S. P. Mukerji)
Vice Chairman
27.2.1989

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