

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A No.274/94

Monday this the 14th day of February, 1994.

CORAM:

THE HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

THE HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.Chandran,  
Former Extra Departmental Branch Postmaster,  
Kulathur PO,  
Via.Antholi. .. Applicant

By Advocate Mr.P.V.Mohanam

vs.

1. Union of India , represented by  
Secretary to Government of India,  
Union Ministry of Communications,  
Sanchar Bhavan, New Delhi-1.
2. Asst. Superintendent of Post Offices,  
Vadakara Division, Vadakara.
3. Superintendent of Post Offices,  
Vadakara Division, Vadakara.
4. Director of Postal Services,  
Northern Region, Calicut.
5. Postmaster General, Calicut. .. Respondents

By Advocate Mr.George Joseph

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant is aggrieved by Annexure.A8 order rejecting his appeal on the ground of delay. He did file an appeal (Annexure.A2) in time, but that was not in proper form, and third respondent directed him to :

"Submit the appeal in proper and presentable form...."

No time limit was indicated for curing the defect. For re-presenting the appeal there was delay. We think that rejection of the appeal as time barred is not fair, when it was returned for curing defects

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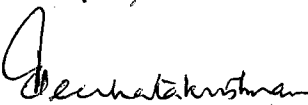
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without indicating the time for representation. An appellate decision should not be denied to applicant, in these circumstances.

2. In the larger interest of justice, we quash Annexure.A8 and direct the Appellate Authority, third respondent, to take back the appeal on file, afford an opportunity of personal hearing to applicant and pass appropriate orders on the appeal.

3. Application is allowed as aforesaid. No costs.

Dated the 14th February, 1994.

  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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