

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. No. 111/2008
Lucknow, this the 2nd day of June 2008.

Hon'ble Mr. Shankar Prasad, Member (A)
Hon'ble Mr. M. Kanthaiah, Member (J)

Kamini Prasad aged about 47 years son of Shri Ram Naresh and resident of Village Balbharua Dist. Gonda.

Applicant.

By Advocate: Sri A. C. Mishra.

Versus

1. Union of India through General Manager, North Eastern Railway Headquarter Office Gorkahpur.
2. The Divisional Railway Manager, North Eastern Railway Ashok Marg, Lucknow.
3. Sr. Divisional Mechanical Engineer (Carriage & Wagon Depot), North Eastern Railway Gonda and
4. Chief Section Engineer (C&W Depot) N.E. Railway Gonda.

Respondents.

By Advocate: Sri N.K. Agarwal.

Order (Oral)


By Hon'ble Mr. Shankar Prasad, Member (A)


The applicant seeks a direction to respondent to consider his representation dated 31.12.2007 (Annexure-12) in connection with the order of Appellate authority communicated vide officer order No. 941 dated 26.7.2007.

2. We have heard the learned counsels.
3. The applicant had been proceeded against and a penalty of removal from service has been imposed on him. The Appellate Authority, has modified the punishment to that of reversion to Technical Grade III at the lowest of the pay scale with cumulative effect. The applicant has submitted his representation. The counsel for respondent has taken us through the petition and we find that, nothing is stated regarding condonation of delay. There is, however, reference to an earlier representation dated 30.8.2007.
4. We think that, ends of justice shall be met if, the representation is treated as revision petition and the applicant is permitted to submit another petition regarding condoning the delay in filing of the revision petition. The competent authority shall

consider the petition on condoning delay in accordance with law and pass appropriate orders. ^{The} A decision of Apex Court in Deputy Collector, Anantnag and another, Vs. Mst. Katiji and Others 1987 SC -1353, the technicality should not defeat the merit of the case may be kept in mind in passing the above order. We make it clear that we have expressed no opinion on the merit of the condonation of delay. In case, the delay is condoned, the revision petition shall be disposed of on merits.

5. The applicant shall submit his representation for condonation of delay within a fortnight of the receipt of the order and the entire exercise shall be complied within a period 3 months from the date of receipt of copy of this order. No costs.


(M. Kanthaiah)
Member (J)
02-06-2008


(Shankar Prasad)
Member (A)

v.