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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.245 of 1990 (L)

Vishwambher Singh Applicant

Versus

Union of India & Others Respondents

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice K. Nath, V.C.)

We have heard the learned counsel for the applicant. A penalty order of the applicant's reversal from the post of Train Driver to the post of Shunter was passed on 16.6.90. The penalty order, Annexure-3 mentioned that the applicant may file an appeal to the Addl. D.R.M. within 45 days. There is nothing in the application to show whether or not the applicant filed an appeal against the penalty order. The learned counsel for the applicant says that ~~the~~ appeal against the penalty order has not been filed. Under Section 20 of the Administrative Tribunals Act, the applicant should have first filed an appeal. This application is therefore disposed of with a direction that if the applicant files an appeal against Annexure-I within one month from the date of the receipt of a copy of the judgement, the competent authority will consider and dispose of the appeal on merits and not on the ground of limitation or delay which shall be deemed to have been condoned under these orders. Copy of the judgement may be given to the learned counsel for the applicant within a week.


Member (A)


Vice Chairman

Dated the 28th Sept., 1990.