

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

1

O.A. NO: 683/87

199

~~XXXXXX~~

DATE OF DECISION 16.9.92

B M Sahare

Petitioner

Mr. V S Yawalkar

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. P S Lambat

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S K Dhaon, Vice Chairman

The Hon'ble Mr. M Y Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

v.c.

mbm\*

TRK

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH CIRCUIT SITTING AT NAGPUR  
NAGPUR

OA No. 683/87

Shri B M Sahare  
Head Clerk  
Office of Divisional Rly.  
Manager(P), Central Rly.,  
Nagpur

..Applicant

V/s.

1. Union of India  
through General Manager  
Central Railway  
Bombay V.T.
2. The Chief Personnel Officer  
Central Railway  
Bombay VT
3. The Divisional Railway Manager(P)  
Central Railway, Nagpur
4. The Additional Divisional  
Railway Manager,  
Central Railway; Nagpur
5. The Assistant Personnel  
Officer, Central Railway;  
Nagpur

..Respondents

Coram: Hon.Shri Justice S K Dhaon, V.C.  
Hon.Shri M Y Priolkar, Member(A)

APPEARANCE:

Mr. V S Yawalkar  
Counsel  
for the applicant

Mr. P S Lambat  
Counsel  
for the respondents

ORAL JUDGMENT:

DATED: 16-9-92

(Per: S K Dhaon, Vice Chairman)


The ADRM Nagpur passed an order on  
6.5.1986 awarding a punishment to the applicant.  
The applicant preferred an appeal which was  
addressed to the Central Railway DRM's office  
(Personnel Branch), Nagpur. The DRM(P) Nagpur  
declined to take any action on the appeal as  
he felt that the same had not been addressed

to the head of department. He also felt that the appeal had not been filed within 45 days of the receipt of the order of punishment. The revision authority too declined to interfere on the ground that the revision application has been addressed to a wrong officer viz., Chief Personnel Officer, Bombay. The order of punishing authority as well as the aforesaid two orders are being impugned in the present application.

The punishing authority in its order did not specify the authority to which the appeal should be filed. Instead, it merely mentioned that an appeal would lie to the head of department. The authority which received the memorandum of appeal should have forwarded the same to the competent authority. Since the matter was not dealt with by the competent authority, the officer who passed the order in appeal had no jurisdiction to take the view that the appeal had been filed beyond a period of 45 days. The Divisional Railway Manager (P) shall now forward the memorandum of appeal to the appropriate authority who shall entertain the same on the footing that the appeal had been preferred within time and thereafter dispose of the same on merits and in accordance with law. The appellate authority shall endeavour to dispose of the appeal as expeditiously as possible, but not beyond a period of six months

from the date of receipt                      of the same  
from the Divisional Railway Manager(P), who shall  
forward the same to the relevant authority within  
a period of three weeks from the date of receipt  
of a certified copy of this order from the appli-  
cant. The applicant is permitted to transmit a  
certified copy of this order to the Divisional  
Railway Manager (P) Nagpur under Registered Post  
Acknowledgement due.

With these directions this application  
is disposed of finally <sup>but</sup> without any order as to  
costs.

  
( M Y Priolkar )  
Member(A)

  
( S K Dhaon )  
Vice Chairman