

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 726/87.

Shri Madan Jodharam Hiranwar,
Gavalipura,
Dharampeth,
Nagpur.

... Applicant

V/s.

1. Accountant General of
Maharashtra,
Nagpur.
2. Dy. Accountant General of
Maharashtra,
Nagpur.

... Respondents.

Tribunal's Order:

Dated: 1.12.1987

Heard Mr. Phadnis advocate for the applicant.

It is necessary to state some facts for the purpose of deciding whether the application should be admitted or not. The applicant was working as an Accountant in the Accountant General's Office at Nagpur. Along with a memorandum dt. 26.7.1984 two articles of charges were served upon him. The first charge was that during the period from March, to May, 1984, after signing the attendance register, he remained absent unauthorisedly from the section for major portion of the working day. The second charge was that during the aforesaid period, besides absenting himself unauthorisedly from the section, the applicant did not perform his allotted work

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and behaved in a manner unbecoming a Government Servant. After holding an enquiry the penalty of dismissal from service was imposed upon the applicant by an order dt. 22.5.1987. The applicant appealed against that order and the Appellate Authority reduced the penalty to removal from service by its order dt. 19.8.1987.

The applicant has challenged both these orders of penalty viz. dt. 3.6.1985 which was confirmed in appeal on 16.7.1985 and the order dt. 25.7.1985 which was modified by the Appellate Authority on 19.8.1987.

Regarding the second order of penalty the application is within limitation and deserves to be admitted.

However, we find that the challenge to the first order of penalty dt. 3.6.1985 is hopelessly time barred. The appeal against that order was dismissed on 4.9.1985 and even from that day this application is not filed within time. No explanation is given as to

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why the applicant did not approach the Court or the Tribunal within a reasonable period from that date. We therefore, propose not to admit the application so far as it relates to the order of penalty dt. 3.6.1985. With these we pass the following orders.

O R D E R

1. The application is rejected summarily under section 19(3) of the Administrative Tribunal Act, 1985 ⁱⁿ so far as it relates to the order of penalty dt. 3.6.1985 which was confirmed on appeal on 4.9.1985.
2. However, we admit the application ⁱⁿ so far as it relates to the second order of penalty dt. 22.5.1987 which ^{was modified} arrived on appeal by the Appellate Authority on 19.8.1987.
3. Issue notices to the respondents to file their replies on 21.1.1988, with a copy to the applicant's advocate. Keep the case before the Registrar on that day for reply of the respondents and directions.

*Notices issued to the
all respondents on dtd.
28-12-87.*

*(9)
28/12.*

(J.G. RAJADHYAKSHA)
MEMBER(A)

(M.B. MUJUMDAR)
MEMBER(J).