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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No. 469/1986

Shri A.G. Thakare  
Labourer 'B'  
Ticket No. BM-154/5200  
R/O. Mukundraaj Lane  
Walker Road  
C/o. Gossawi Wada, Mahal,  
NAGPUR - 2.

Applicant

V/s.

1. Ordnance Factory  
Ambazari, through  
General Manager,  
Wadi, Nagpur.
2. The Govt. of India  
through the Secretary,  
Ministry of Defence,  
New Delhi

Respondents.

Coram: Hon'ble Vice-Chairman B.C. Gadgil  
Hon'ble Member (Adm.) J G Rajadhyaksha

Appearance:

1. Shri P.S. Mudholkar  
Advocate  
for the Applicant
2. Shri S.R. Atre  
Advocate  
for the Respondents.

ORAL JUDGMENT

Dated: 4.3.1987

(PER: Vice-Chairman B.C. Gadgil)

The applicant has filed this application challenging the order dated 23.11.1985 whereunder he was removed from service after a departmental enquiry.

2. We have issued Notice for Admission to the Respondents. Heard Mr. Mudholkar for the applicant and Mr. S.R. Atre for the Respondents.

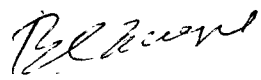
3. It appears that the applicant has not filed any departmental appeal against the impugned order. In view of the provisions of Section 20 of the Administrative

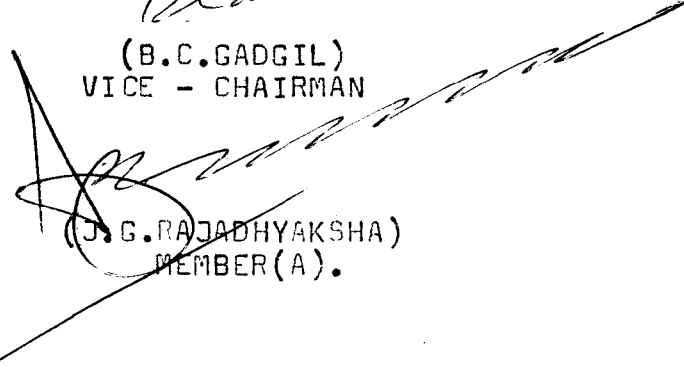
Tribunals Act, 1985, it would be very difficult to entertain this matter in the absence of such an appeal.

4. Mr. Mudholkar submits that an appeal, if now preferred by the applicant, would be barred by limitation. As for the contents of the application such as that the applicant was under mental depression for some time and that he had taken treatment at a mental hospital at Nagpur, it is true that the enquiry papers do not contain any such record. However, in the face of these averments in the application, it would be in the fitness of things if a direction is given to the Appellate Authority to condone the delay, if the applicant files an appeal within a period of three weeks from today.

Hence, we pass the following order.

- 1) The application is rejected, only on the ground that the applicant has not filed an appeal as a Statutory Departmental remedy. The appellate authority will condone the delay in filing the appeal, if the appeal is filed within a period of three weeks from today and thereafter the appellate authority will decide the appeal according to law.
- 2) No order as to costs.

  
(B.C. GADGIL)  
VICE - CHAIRMAN

  
(J.G. RAJADHYAKSHA)  
MEMBER (A).