

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No.634/2005

Date of order : 30<sup>th</sup> November, 2005

CORAM

Hon'ble Mr. Shankar Prasad, Member [Admn.]  
Hon'ble Ms. Sadhna Srivastava, Member [Judicial]

Chulhai ..... Applicants.

Vrs.

Union of India & Ors. ..... Respondents.

Counsel for the applicant : Shri R.K.Choubey  
Counsel for the respondents : Shri A.A.Khan, SC.

ORDER (ORAL)

By Shankar Prasad, Member [Admn.] :-

Shri Khan, 1d. SC for the official respondents has been served with  
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the copy of the O.A., who has been heard.

2. The instant O.A. has been preferred against the order dated 29.6.2004  
imposing penalty of removal from service, which is just one day before his  
superannuation. The applicant has thereafter preferred a representation  
dated 15.7.2004 [Annexure-A/8]. The O.A. has been preferred as the said

*Shankar Prasad*

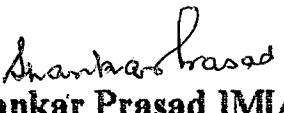
representation has not yet been decided.

3. Section 20 of the A.T.Act provides that the Tribunal should admit an O.A. only after the departmental remedies have ordinarily been exhausted.

4. In the facts and circumstances of the case, we dispose of this O.A. giving direction to the appellate authority to consider the representation dated 15.7.2004. It would be open for the applicant to submit further representation raising such ground as he wishes to raise. The appellate authority shall decide the appeal on merits and not to reject the case on the ground of delay. The representation shall be submitted within a month of the receipt of this order and the appellate authority shall decide the same within two months of the date of receipt of such representation.

5. The O.A. is, accordingly, disposed of. No cost.

  
[ Sadhna Srivastava ]M[J]

  
[ Shankar Prasad ]M[A]

mps.