

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW BOMBAY BENCH

Stamp Appln. No. N-33/91

~~XXXXXX~~~~XXXXXX~~

(OA 442/91)

198

DATE OF DECISION 9.7.1991B.P. Ramteke

Petitioner

Mr. P.C. Marpakwar

Advocate for the Petitioner(s)

Versus

Accountant General Nagpur

Respondent

Mr. Ramesh Darda

Advocate for the Respondent(s)

### CORAM

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. P.S. Chaudhuri, 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 ?

  
 ( U.C. Srivastava )  
 Vice-Chairman

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY,  
CAMP AT NAGPUR

3

Stamp Application No.N-33/1991 (OA 442/91)

Bhuwanlal Premdas Ramteke,  
R/o Bezenbag, Nagpur.

... Applicant

V/s

1. Accountant General II,  
(A&E) Maharashtra, Nagpur.
2. Deputy Accountant General (Admn),  
O/o the Accountant General II,  
(A&E), Maharashtra, Nagpur. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava  
Hon'ble Member (A), Shri P.S.Chaudhuri

Appearances:

Mr. P.C.Marpakwar, Advocate  
for the applicant and  
Mr.Ramesh Darda, Advocate  
for the respondents.

ORAL JUDGEMENT:

Dated : 9.7.1991

(Per. U.C.Srivastava, Vice-Chairman)

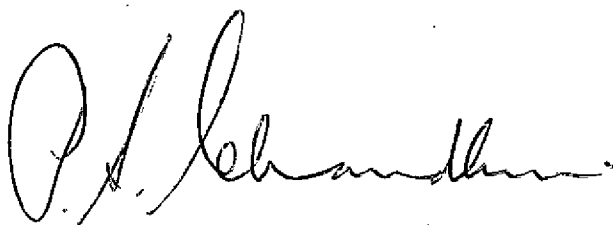
We have asked Mr. Ramesh Darda who represents the department to take notice of this application and he has taken notice of the same. As a very small question is involved and there is no private party in this case the application is being finally disposed of after hearing the counsel for both sides.

2. The applicant was a Peon in the Office of the Accountant General. He was charge-sheeted and an Inquiry Officer found him guilty and by order dated 4.4.1990 the Disciplinary Authority awarded him the penalty of stoppage of increment for two years. Against this order the applicant filed an appeal on 3.8.1990 in reply to which he was informed by letter dated 10.8.1990 that "the Appellate Authority has seen the appeal and ordered that the same cannot be entertained as it is time barred in

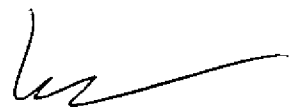
M

terms of Rule 25 of CCS (CCA) Rules, 1965", Being still dissatisfied the applicant sent another appeal on 31.8.1990 requesting that the delay be condoned and asking for a speaking order. The Appellate Authority dismissed the appeal vide order dated 11.9.1990 which was communicated on 13.9.1990. The Appellate Authority has dismissed the application of the applicant on the ground that it is barred by limitation and not on merit. Even if there was some delay there is no duty cast upon the departmental authorities to apply the law of limitation and dismiss the departmental appeal solely on the ground of limitation. As far as possible departmental appeals of this nature from illiterate persons and not that long after the order appealed against should not be dismissed solely on the ground of limitation, particularly when a non-speaking order is replaced by a speaking order by apparently the same person. Accordingly this application is partly allowed and the orders passed by the Appellate Authority communicated on 10.8.1990 and 13.9.1990 are quashed and the Appellate Authority is directed to dispose of the appeal filed by the applicant taking into consideration the pleas raised by him by a speaking order within a period of two months from the date of communication of this order. There will be no order as to costs.

3. The application is disposed of finally as above.



( P.S. Chaudhuri )  
Member(A)



( U.C. Srivastava )  
Vice-Chairman