

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560038.

Dated: 18 OCT 1993

APPLICATION NO(S) 351 of 1993.

APPLICANTS: K.Gangaya v/s. RESPONDENTS: Joint Controller of Defence  
Accounts, Southern Command, Pune & Others.

TO.

1. Sri.V.K.Naresimhan,  
Advocate, No.15,  
Seventh Cross,  
Prasanthanagar,  
Bangalore-560079.
2. The Controller of Defence Accounts,  
Southern Command, No.1, Finance Road,  
Pune-411001.
3. Sri.M.Vasudeva Rao,  
Central Govt. Sng. Counsel,  
High Court Building,  
Bangalore-1.

Subject:- Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the  
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the  
above said application(s) on 12-10-93.

*[Signature]*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

*[Signature]*  
gm\*

*[Signature]*  
for  
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS TWELFTH DAY OF OCTOBER, 1993

Present: Hon'ble Shri V.Ramakrishnan, Member (A)

Hon'ble Shri A.N.Vujjanaradhya, Member (J)

APPLICATION NO.351/93

K.Gangaya,  
Assistant Accounts Officer,  
Office of the PAO(ORS) ASC(MT),  
Bangalore-7.

.... Applicant

(Shri V.K.Narasimhan - Advocate)

Versus

1. The Joint Controller of Defence Accounts,  
Southern Command,  
1, Finance Road, Pune-1.
2. The Controller of Defence Accounts,  
Southern Command,  
1, Finance Road, Pune-1.
3. The Controller General of Defence Accounts,  
West Block Vth, R.K.Puram,  
New Delhi-66.
4. Union of India represented by the Secretary,  
Ministry of Defence (Finance),  
New Delhi-1.

... Respondents

(Shri M.Vasudeva Rao - Advocate)

This application having come up for  
admission before this Tribunal today: Hon'ble Shri V.Rama-  
krishnan, Member (A) made the following:

O R D E R

We have heard both sides. We find that the  
applicant had filed an appeal on 31.10.1991 against the  
order of the Disciplinary Authority as at Annexure A4. It

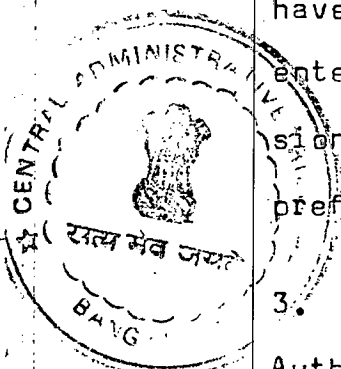


was summarily dealt with by the Appellate Authority by order dated 4th February, 1992 as Annexure A5, and the appeal was not entertained for the reason that the appellant did not have sufficient cause for not preferring the appeal in time. It is seen that the appeal should have been filed around middle of July, 1991 by the applicant. In his letter dated 28.10.1991 he had requested for condoning the delay in filing the appeal and sought for extension of time to prefer appeal. The Appellate Authority while rejecting the appeal and the prayer for waiving limitation had stated in para two of its order is as follows:

"The applicant in his letter dated 28.10.91 has stated that he has not been in a position to prefer an appeal within the period of limitation of appeal under Rule 25 and requested for extension of 6 months to prefer an appeal citing various personal difficulties. Having done so, he has preferred the appeal on 31.10.91 on his own volition. This indicates that his request for seeking belatedly an extension of 6 months for preferring the appeal is without due consideration, without reasonable basis and exhibits a casual approach to the whole issue."

2. We hold that the Appellate Authority should have gone into the appeal on merits rather than refuse to entertain the same on the ground that despite seeking extension of time by letter dated 28.10.1991, the applicant had preferred the appeal within three days thereafter.

3. We accordingly direct that the Appellate Authority should dispose off the appeal on merits instead of rejecting only on the ground of delayed submission. The same should be done within three months from the date of receipt of this order. With this direction, the application is disposed off finally. No costs.



TRUE COPY

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL MEMBER (J)  
BANGALORE

MEMBER (A)