

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 6 FEB 1995

APPLICATION NO: 826 of 1994.

APPLICANTS:- Sri.Basavalingappa, Arasikere.

V/S.

RESPONDENTS:-The Director of Postal Services,
S.K.Region, Bangalore and another.

To:

1. Sri.S.K.Mohiyudeen, Advocate,
No.11, Jeevan Buildings,
Kumarapark East, Bangalore-560001.
2. Sri.G.Santhappa, Addl.C.G.S.C.
High Court Bldg, Bangalore-1.

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

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 30-01-1995.

Issued on
6/2/95

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 826/ 1994

MONDAY, THE 30TH DAY OF JANUARY, 1994

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Shri Basavalingappa,
Ex. EDMC/DP,
Arakere P.O.,
A/w Banavara,
Arsikere Taluk. ... Applicant

(By Advocate Shri S.K. Mohiyuddin)

Vs.

1. The Director of Postal Services,
S.K. Region,
Bangalore.

2. The Superintendent of Post
Offices, Hassan. ... Respondents

(By Addl. Central Govt. Standing Counsel,
Shri G. Shanthappa)

ORDER

Shri V. Ramakrishnan, Member (A)

We have heard this matter for some time. We find that aggrieved by the order of the competent authority dated 14.2.92 removing him from service, the applicant filed an appeal to the Director of Postal Services, S.K. Region on 14.7.92 as at Annexure A-10. In this appeal of 14.7.92, he has raised a number of contentions. The appellate authority, however by order dated 15.7.93 as at Annexure A-11 had only stated that she has gone through the details of the case and that she finds the applicant

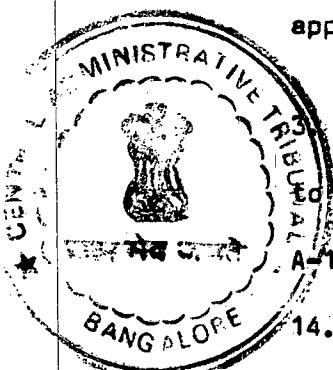


guilty of the charges levelled against him. It is further stated that the case is also time barred as the official has appealed on 14.7.92 against the order passed on 14.2.92. The appellate authority goes on to say that there are no facts which can be taken into consideration on behalf of the petitioner/appellant and for these reasons rejected the petition. The appellate authority has not covered the various points urged by the applicant and it is also not specifically brought out that the case has been dismissed on the ground of limitation.

2. As per the relevant rules, the period of limitation to appeal is three months from the date on which the appellant receives a copy of the order appealed against. The rule also permits the appellate authority to entertain the appeal after the expiry of the said period, if it is satisfied that the applicant had sufficient cause for not submitting the appeal in time. In the present case, even if the orders of the reviewing authority dated 14.2.92 was received by the applicant on the same date itself, he had time till about the middle of May, 1992 to file ^{an} appeal. The appeal filed on 15.7.92 involves a delay of less than two months.

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In the facts and circumstances of the case we deem it appropriate to quash the order of the appellate authority dated 15.7.92 as at Annexure A-11 and direct the appellate authority to dispose of the appeal dated 14.7.92 as at Annexure A-10 by means of a speaking order (ignoring any delay) within three months from the date of receipt of a copy of this order. With the above observations, the application is disposed of finally. No costs.



TRUE COPY

106/02/93
Section Officer
Central Administrative Tribunal
Bangalore Bench

Bangalore (A.N. VIJJANARADHYA)
MEMBER (J)

TCV

Sd/-

Sd/-

(V. RAMAKRISHNAN)
MEMBER (A)