

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Dt. of Decision : 2.11.94.

D.A. 1289/94.

Reddanna

.. Applicant.

Vs

1. The Director of Postal Services,
A.P. Southern Region, Kurnool-5.
2. The Member of Postal Services Board,
Dept. of Posts, Dak Bhavan,
Sansad Marg, New Delhi-110 001.
3. The Director General,
Dept. of Posts, Dak Bhavan,
Sansad Marg, New Delhi-110 001. .. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

Counsel for the Respondents : Mr. K. Bhaskara Rao, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

J U D G E M E N T

Heard ~~Shri~~ Shri Krishna Devan, learned
counsel for the applicant and also Shri K. Bhaskar
Rao, learned standing counsel for the Respondents.

2. This OA is filed challenging the order
dated 9-7-93 of the Appellate authority rejecting
the appeal of the applicant as being belated and
as the Review petition filed on 15-12-93
against the said order is not yet disposed.

3. By order dated 31-3-93, the disciplinary
authority ordered recovery of Rs. 10,800/- by
way of punishment. The applicant herein preferred
the appeal against the same on 26-5-93 along with
condone delay petition for condoning the delay
of 10 days in preferring the appeal. The appellate
authority in his letter dated 9-7-93 observed in
Para 2 of the order (vide Annexure 2 to the OA)
that the reasons put forth by the applicant are
that he being a junior official with 3 years of
service was not conversant with the rules and that
there was delay in getting his appeal drafted
through others and that the reasons are not found
adequate to consider the request of the applicant
to condone the delay and accordingly, the appeal
was rejected. In the order dated 31-3-93 of the
disciplinary authority, it is not stated that the
applicant herein can prefer an appeal within
45 days from the date of receipt of the said order.
The case of the applicant is that he joined service
contemplation only 3 years prior to the disciplinary proceedings.
Of course, an employee is expected to get himself
familiarised with all the relevant rules applicable
to him. But many of the employees may not

To

1. The Director of Postal Services,
A.P.Southern Region, Kurnool-5.
2. The Member of Postal Services Board, Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi-1.
3. The Director General, Dept.of Posts,
Dak Bhavan, Sansad Marg, New Delhi-1.
4. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.K.Bhaskara Rao, Addl.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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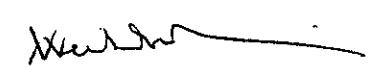
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feel to peruse CCS (CCA) rules with care unless they are involved in the disciplinary proceedings. Even when they are involved in disciplinary proceedings ^{it is thoroughly} they may ~~exclusively~~ scrutinise the relevant rules but not all. Hence in these circumstances, it cannot be decided that there is no justifiable ground for condoning the delay of 10 days in preferring the appeal.

3. Under Section 21(1)(b) of A.T. Act if the representation made is not disposed within a period of 6 months, OA can be filed after a period of one year from the date of expiry of the said period of 6 months. It means that an application under Section 19 can be filed if the representation made against the impugned order is not disposed within 6 months. The representation styled as Review petition was filed on 15-12-93 while this OA was filed on 17-10-93. Hence the pendency of that Review petition is not a bar for filing this OA.

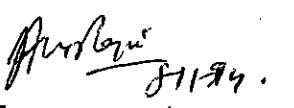
4. In the result, the order dated 9-7-93 of the Appellate authority is set aside and the application ^{pending} filed for condoning the delay of 10 days in preferring the appeal is allowed. The Appellate authority (Respondent 1) has to register the appeal dated 26-5-93 preferred by the applicant against the order dated 31-3-94 of the Supdt. of Post offices, Tirupati and dispose the same in accordance with ^{law} the rules, expeditiously and preferably by the end of February, 1995. The OA is ordered accordingly at the admission stage itself. No costs.


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated 8-11-94
Open court dictation.

NS


Deputy Registrar