

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 21st day of September, 2006

ORIGINAL APPLICATION NO.557/2003

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Smt. Madhu Jindal
w/o Sshri Kishan Jindal,
R/o542/11, Ekta Nagar,
Naka Nagar, Ajmer,
Presently posted as Clerk
In the Office of DRM,
North West Railway,
Ajmer.

By Advocate : Shri Abhishek Sharma

... Applicant

Versus

1. Union of India
Through General Manager,
North West Railway.
Jaipur.
2. Divisional Railway Manager,
North West Railway,
Ajmer.
3. Addl.Divisional Railway Manager,
North West Railway,
Ajmer.
4. Shri N.L.Sunder,
Sr.DPO-AII, North West Railway,
Ajmer.

By Advocate : Shri V.S.Gurjar

... Respondents

ORDER (ORAL)

The applicant while working on the post of Head Clerk was served with a charge-sheet which culminated into passing of the order of removal from

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service vide impugned order dated 5.11.99 (Ann.A/2). Against the order of the disciplinary authority, a departmental appeal was preferred. The appellate authority reduced the penalty of removal from service into the reduction of rank from the post of Head Clerk to that of Senior Clerk vide order dated 11.9.2000 (Ann.A/7). Since the applicant wanted to avail the statutory remedy by way of revision petition, as such she moved an application dated 25.10.2000 (Ann.A/8) thereby praying that some more time may be given to her to file revision petition. The said request of the applicant was rejected vide letter dated 21.11.2000 (Ann.R/1). However, immediately thereafter the applicant filed revision petition on 2.2.2001, which petition was rejected as time barred vide order dated 15.5.2003 (Ann.A/1). It is this order which is under challenge in this OA.

2. Notice of this OA was given to the respondents, who have filed their reply. The applicant has also filed rejoinder. When the matter was taken up for hearing today, learned counsel for the applicant submitted that he has sought instructions from his client to the effect that he will be satisfied if a direction is given to the respondents to dispose of her revision petition on merit and in that eventuality she will not be pressing this OA.


3. We have given due consideration to the submission made by the learned counsel for the applicant. We are satisfied that it is a case where the revisional authority should have entertained the revision petition of the applicant instead of dismissing the same as time barred. From the material placed on record it is evident that the applicant moved an application for extension of time

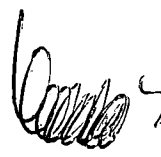
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within the statutory period prescribed for filing the revision petition. Under these circumstances, it was incumbent upon the authority concerned to grant reasonable time to the applicant. In any case, the appellate order was passed on 11.9.2000 and the ~~appeal~~ ^{revision} was filed on 2.2.2001 i.e. within a period of five months and cannot be said that the delay on the part of the revision petition was deliberate or could not have been condoned.

4. Under these circumstances, we are of the view that the impugned order dated 15.5.2003 (Ann.A/1), whereby the revision petition of the applicant was dismissed as time barred, is hereby set aside. Accordingly, the revisional authority is directed to entertain the revision petition of the applicant and pass appropriate speaking order on merit within a period of two months from the date of receipt of a copy of this order.

5. With these observations, the OA stands disposed of. Needless to say that in case the applicant is still aggrieved by the order to be passed by the revisional authority, it will be open for her to file a substantive OA thereby challenging the said order. No order as to costs.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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