

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH**  
**JABALPUR**

**Original Application No. 1197 of 2005**

**Jabalpur, this the 6<sup>th</sup> day of December, 2006**

**Hon'ble Dr. G.C. Srivastava, Vice Chairman**  
**Hon'ble Shri A.K. Gaur, Judicial Member**

Nand Kishor Katare,  
S/o. Late Shri Shankerlal Katare,  
Aged about 52 years,  
R/o. Village – Gogawali,  
Post : Madheshwar,  
Tahsil – Kareli,  
Distt. Narsinghpur.

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**Applicant**

(By Advocate – Shri V. Tripathi on behalf of Shri S. Paul)

**VERSUS**

1. Union of India,  
Through its Secretary,  
Ministry of Communication,  
Deptt. of Post,  
New Delhi.
2. The Director General,  
Department of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi.
3. The Chief Post Master General,  
MP Circle, Hoshangabad.
4. The Sr. Superintendent of Post Offices,  
Jabalpur Division, Jabalpur.
5. The Director, Postal Services,  
Indore Region, Indore.

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**Respondents**

(By Advocate – Shri M. Chourasia)

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ORDER (Oral)

By A.K. Gaur, Judicial Member –

We have heard the learned counsel for both the parties.

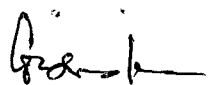
2. The learned counsel for the applicant has referred to the decision of this Tribunal rendered in OA No. 195 of 2004 decided on 25<sup>th</sup> March, 2004. In paragraph 3 of the said order, the Tribunal has clearly permitted the applicant to file an appeal to the appellate authority. Accordingly, the applicant preferred a statutory appeal to the competent authority and competent authority vide its order dated 27<sup>th</sup> January, 2006 dismissed the appeal on the ground of delay without entering into the question of merit.

3. The matter was argued by the learned counsel for the applicant on the point that since this Tribunal has directed the applicant to prefer an appeal to the competent authority, there was hardly any justification to decide the appeal by the competent authority on the point of delay. We have considered this important aspect of the matter and we are firmly of the view that the competent authority should have decided the appeal on merits.

4. In view of the aforesaid submission, we quash and set aside the appellate order dated 27.1.2006 (Annexure A-6) and direct the appellate authority to re-consider and decide the appeal of the applicant on merits irrespective of delay, within a period of three months from the date of receipt of a copy of this order, after taking into notice all the points which have been raised by the applicant in the appeal.

5. Accordingly, the Original Application is disposed of. No costs.

  
(A.K. Gaur)  
Judicial Member

  
(Dr. G.C. Srivastava)  
Vice Chairman

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