

Central Administrative Tribunal
Jabalpur Bench
Jabalpur

O.A.No.628/2002

Hon'ble Sh. Sarveshwar Jha, Member (A)
Hon'ble Sh. G. Shanthappa, Member (J)

Jabalpur, this the 5th day of November, 2003

D.K.Shrivastava
s/o Shri Shyam Mohan Lal Shrivastava
r/o Lal Bhawan
55, Dwarka Nagar, Lal Matti
Jabalpur (MP). ... Applicant

(By Advocate: Sh. James Anthoney)

Versus

1. Union of India
through it's General Manager
Central Railway
CST, Mumbai (Maharashtra).
2. Divisional Railway Manager
Central Railway
Jabalpur.
3. Sr. Divisional Commercial Manager
Central Railway
Jabalpur (MP). .. Respondents

(By Advocate: Sh. M.N.Banerjee)

O R D E R (Oral)

By Sh. Sarveshwar Jha, Member (A)

Heard the learned counsel for the parties.

2. At the outset, respondents' counsel has submitted that the applicant had filed an appeal in the matter and the same has, in the meantime, been dismissed on account of delay in filing the appeal vide Annexure A-10. the
3. It is observed that applicant had also filed MA No.1499/2002 seeking amendment to the OA necessitated by the orders of the appellate authority dismissing the appeal of the applicant.


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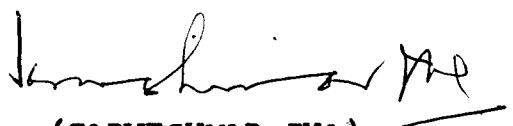
4. Obviously, appeal has not been considered on merits. It has further transpired that the delay in filing the appeal has taken place on account of the fact that before the appeal could reach the appellate authority, it was submitted to the authorities who were not essentially concerned and in the process it got delayed before it could reach the appellate authority. It appears that the appeal thus got delayed for valid reasons. It should not, therefore, have been dismissed on account of delay only.

5. We are, therefore, of the considered opinion that as it would be just and proper and reasonable that the appeal is reconsidered by the appellate authority on the basis of merit, it would be proper that this matter is remanded to the appellate authority with directions that he may reconsider the appeal which has been filed by the applicant in the matter on merit, and dispose it of by issuing a reasoned and speaking order as per law within a period of two months from the date of receipt of a copy of this order. Ordered accordingly.

6. Accordingly, impugned orders dated 4.10.2002 (Annexure A-10) issued by the appellate authority stands quashed and set-aside.

7. With this, the OA stands disposed of in terms of the above directions without any order as to costs. With this, MA No.1499/2002 also stands disposed of.


(G. SHANTHAPPA)
MEMBER (J)


(SARVESHWAR JHA)
MEMBER (A)

/rao