

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.197/2006.

Jaipur, this the 1<sup>st</sup> day of June, 2006.

**CORAM : Hon'ble Mr. V. K. Majotra, Vice Chairman.  
Hon'ble Mr. M. L. Chauhan, Judicial Member.**

Smt. Shakun  
W/o Late Shri Bangali,  
Aged about 34 years,  
R/o Talliya Mohalla, Harizan Basti,  
Dholpur (Raj.)

... Applicant.

By Advocate : Shri Rajesh Moondia.

Vs.

1. Union of India  
Through the Secretary to the Govt. of India,  
Ministry of Telecommunication,  
Department of Telecom,  
New Delhi.
2. Chief General Manager,  
Telecom Sardar Patel Marg,  
Jaipur.
3. General Manager,  
Telecom,  
Bharatpur.
4. Sub Divisional Officer,  
Telecom, Hardev Nagar,  
Bharatpur.

... Respondents

**: O R D E R (ORAL) :**

Heard the Learned Counsel for the applicant.

2. Learned Counsel for the applicant pointed out that the respondents have vide Annexure A/4 dated 5.5.2006 rejected applicant's representation stating that it had

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not been received by the respondents within the period stipulated by the Central Administrative Tribunal.

3. Earlier on, applicant had filed OA No.80/2006 which was disposed of vide order dated 9.3.2006 with the following observations :-

"5. In view of what has been stated above, I am of the view that ends of justice will be met if a direction is given to the respondents to decide the representation of the applicant, which the applicant will file within a period of two weeks from today, by passing a reasoned and speaking order. Accordingly, the present OA is disposed of with a direction to Respondent No.2 to dispose of the representation of the applicant within a period of six weeks from the date of receipt of representation, in case the same is filed by the applicant within the aforesaid period by passing a speaking and reasoned order."

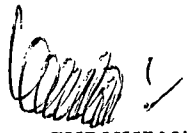
4. Learned Counsel further pointed out that the applicant had sent his representation vide Annexure A/3 dated 22.3.2006, as such, the period available for sending the representation should be counted from 10.3.2006 to 22.03.2006 leaving two clear days i.e. the date of judgment as also the date of registration of the communication by which representation was sent.

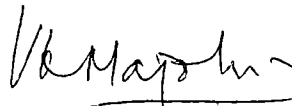
5. On the basis of the document furnished on behalf of the applicant as also contention raised, in our view, the applicant had sent the representation within the stipulated period. Respondents cannot take the plea that it had not been received by them within the stipulated period. The fact that applicant had sent the representation by registered post on 23.3.2006 is enough

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to establish that representation had been made within the stipulated period. As such, Annexure A/4 dated 5.5.2006 rejecting applicant's representation on the mere ground that it had not been received on time is quashed and set aside. Respondents are directed to pass speaking and reasoned orders within a period of one months from the date of receipt of these orders in terms of the observations/directions contained in our earlier order dated 9.3.2006 whereby OA No.80/2006 was disposed of.

6. The OA is allowed in the above terms. Applicant is permitted to serve copy of this order to the respondents by Hum Dast.

  
(M. L. CHAUHAN)  
JUDICIAL MEMBER

  
1/6/06  
(V. K. MAJOTRA)  
VICE CHAIRMAN

P.C./