

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 715/2013

DATE OF ORDER: 17.04.2015

CORAM

HON'BLE MR. JUSTICE HARUN-UL-RASHID, JUDICIAL MEMBER
HON'BLE MR. R. RAMANUJAM, ADMINISTRATIVE MEMBER

Khem Chand Nagar S/o Shri Mathura Lal Nagar, aged about 51 years, R/o Plot No. 71, Keshar Bag Colony, Police Line, Kota. Last employed on the post of Chief Booking Clerk / Chief Telephone Operator, West Central Railway, Kota Division, Kota.

...Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Additional Divisional Railway Manager, West Central Railway, Kota Division, Kota.
3. Senior Divisional Commercial Manager, West Central Railway, Kota Division, Kota.
4. Senior Divisional Signal & Telecom Engineer, West Central Railway, Kota Division, Kota.

...Respondents

Mr. Anupam Agarwal, counsel for respondents.

ORDER (Oral)

The applicant challenges Annexure A/1 order dated 26.07.2013 passed by the Appellate Authority / Respondent No. 2 and the Annexure A/2 punishment order dated 28.09.2012 passed by the Disciplinary Authority / Respondent No. 4. The applicant prays for quashing and

setting aside the said orders and for his reinstatement in service with all consequential benefits.

2. On the basis of the inquiry conducted in the disciplinary proceedings and also on the basis of the charges leveled against the applicant and proved, the respondent no. 4 imposed the punishment of removal from service upon the applicant treating him absent w.e.f. 13.01.2011.

3. The respondent no. 4 passed the punishment order upon the applicant removing him from service vide Annexure A/2 order dated 28.09.2012. The applicant preferred an appeal on 19.04.2013 before the appellate authority / respondent no. 2. There was delay in filing the appeal before the appellate authority. The applicant did not file any petition for condonation of delay in filing the appeal. He filed appeal belatedly without explaining the reasons for filing the appeal belatedly. The Appellate Authority vide Annexure A/1 order dated 26.07.2013 dismissed the appeal of the applicant on the ground that the appeal is time barred.

4. Heard learned counsels for the parties and perused the pleadings as well as documents available on record.

5. We find that the appeal has been filed by the applicant before the appellate authority without filing any petition for

condonation of delay, thus, no sufficient cause shown nor any reason stated by applicant for the belated filing of the appeal. In the circumstances, the appellate authority / 2nd respondent is justified in dismissing the appeal as time barred.

6. The Disciplinary Authority passed the Annexure A/2 order on 28.09.2012 and imposed the punishment of removal from service upon the applicant. So far as the Annexure A/2 order is concerned, the same is a an order of major penalty imposing upon the applicant, therefore, in the interest of justice, we are inclined to give an opportunity to the applicant to prefer a necessary application stating the reasons for condoning the delay in filing the appeal.

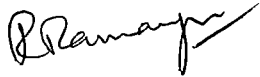
7. Therefore, in the event of filing application of condonation of delay by the applicant within a period of fifteen days from today, the Appellate Authority shall consider such application and examine whether there are sufficient cause for condoning the delay and decide the same within a period of three months from the date of receipt of a copy of the application for condonation of delay.

8. If the appellate authority is satisfied that the reasons stated are sufficient for condoning the delay, the appellate

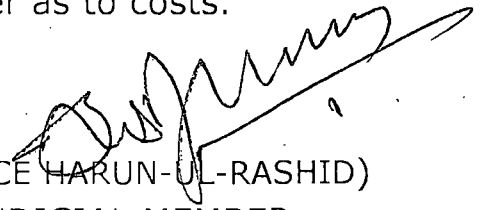
authority shall entertain the appeal of the applicant and decide the same on merit.

9. In the circumstances, Annexure A/1 order dated 26.07.2013 is quashed. The Appellate Authority will have to consider the matter afresh and pass appropriate order as per the directions issued by this Tribunal.

10. The Original Application is disposed of to the said limited extent. There shall be no order as to costs.



(R. RAMANUJAM)
ADMINISTRATIVE MEMBER



(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER

Kumawat