

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.3603/2015

New Delhi, this the 29th day of September, 2015

**Hon'ble Mr. Justice B.P. Katakey, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Sh.Rajinder Prasad
Ex.Driver, Srinivaspuri Depot
Delhi Transport Corporation, Delhi
Aged about 33 yrs, S/o Sh. Kirodi Mal,
R/o VPO Gonera, Tehsil Kotputli,
Distt. Jaipur, Rajasthan Applicant.

(By Advocate:Mr. Sanjive Joshi for Mr. N.Gautam)

Vs.

1. The Chairman cum-MD,
Delhi Transport Coporation
DTC Hrs., IP Estate,
New Delhi-110002.
2. Appelate Authority cum
Dy. Chief General Manager(South)
Through Chairman cum MD
DTC Hqrs., I.P. Estate
New Delhi-110002.
3. The Depot Manager,
Srinivaspuri Depot
DTC, New Delhi-110065 .. Respondents

ORDER (ORAL)

By Justice Mr. B.P. Katakey, Member (J);-

Heard the learned counsel for the applicant.
2. The applicant, who was Driver in DTC, has filed present OA challenging the order dated 9.1.2015 passed by the Departmental Authority imposing penalty of removal from service with immediate effect as well as the order dated

19.3.2015, intimating the applicant that his appeal has been dismissed on the ground of limitation and also the order dated 7.7.2015 whereby the applicant has been informed that further appeal preferred by him has also been rejected by the higher authority, the same being barred by time.

3. It appears from the material and pleadings made available in the OA that pursuant to the disciplinary proceeding initiated against the applicant, the order of removal from service was passed by the Departmental Authority on 09.1.2015. The applicant thereafter preferred a departmental appeal on 23.2.2015 after expiry of 45 days from the date of passing of the order of removal from service, thereby causing delay in filing the same by 15 days. The said appeal has been dismissed by the Appellate Authority on the ground of limitation, having not preferred within a period of 30 days from the date of receipt of the order. The Appellate Authority, in view of the above, did not go into the merits of the case.

4. Since the applicant has been removed from service by the order dated 9.1.2015, and the Appellate Authority has dismissed the appeal the same having not been preferred within 30 days, we direct the appellate authority to decide the departmental appeal preferred by the applicant, on merits,

which shall be done by passing a speaking order within a period of two months from the date of receipt of the copy of this order.

5. The OA stands disposed of accordingly. No costs.

(K.N.Shrivastava)
Member (A)

(B.P. Katakey)
Member (J)

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