

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

OA No.3930 of 2015

This the 28th day of October, 2015

HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)

Sh. Hari Ram Meena, age 39 years,
Ex. Driver, DTC,
s/o Sh. Rasila Ram Meena
R/o V.P.O. – Punkhar,
The-Malakhera,
District – Alwar, Rajasthan.

... Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

1. Delhi Transport Corporation
Through its Chairman,
D.T.C., I.P. Depot,
New Delhi.
2. The Depot Manager,
Delhi Transport Corporation,
Tehkhand Depot,
New Delhi-110020.

... Respondents

(By Advocate : Shri Ajesh Luthra)

ORDER (ORAL)

MR. JUSTICE L.N. MITTAL, MEMBER (J) :

Counsel for the applicant, inter alia, contended that statutory appeal dated 6.6.2015 submitted on 8.6.2015 (Annexure A-4) by the applicant against termination order dated 12.3.2015 has been dismissed by the appellate authority vide order dated 6.7.2015 as time barred, without even considering the plea of the applicant for condonation of delay in filing the said appeal as pleaded in the appeal.

2. Notice to the respondents. Mr. Ajesh Luthra, Advocate, accepts notice on behalf of the respondents.

3. We have heard counsel for the parties and perused the case file with their assistance.

4. We are of the opinion that this OA may be disposed of at the admission stage itself. Counsel for the respondents after seeking instructions from departmental representative present in the Tribunal stated that limitation period for filing the appeal was 30 days. In this view of the matter, statutory appeal preferred by the applicant was filed after a delay of less than two months.

5. Keeping in view the circumstances explained in the appeal, the said delay which was not very long or inordinate should have been condoned and the appeal should have been decided on merit because the matter pertains to termination of service of the applicant.

6. In the aforesaid circumstances, we are of the considered view that the appellate order dated 6.7.2015 should be set aside and the appellate authority should be directed to decide the appeal of the applicant on merit by passing speaking reasoned order. It is ordered accordingly. The appeal should be decided by the appellate authority within two months from the receipt of certified copy of this Order.

7. The OA stands disposed of accordingly at the admission stage.

(SHEKHAR AGARWAL)
MEMBER (A)

(JUSTICE L.N. MITTAL)
MEMBER (J)

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