

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00214/2017

DATED THIS THE 1ST DAY OF FEBRUARY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Shri G. Krishna Murthy,
S/o Late G. Basanna,
Aged about 56 years,
Working as Sr. SSA (now dismissed illegally),
Residing at C/o Manji Rudrappa,
Gouli Hatti Ganesha,
Temple Street, Bruce Pet,
Bellari-583 101.

...Applicant.

(By Advocate M/S Paanchanjanya Associates)

V/s.

1. Union of India,
Rep. by its Secretary,
Employees Provident Fund Organisation,
New Delhi-110 052.
2. The Addl. Central Provident Fund
Commissioner-1 and Appellate Authority,
Karnataka & Goa States,
HMT Main Road, Jalahalli,
Bangalore-560 013.
3. The Regional Provident Fund Commissioner-I,
Regional Office,
Kalaburgi-585 101.

....Respondents.

(By Advocate Shri G. Mallikarjunappa.)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter is in a very short compass. Apparently, the appeal preferred by the applicant vide Annexure A-9 was rejected on the ground of limitation, that it is barred by 15 days. It ought to have been preferred within 45 days. Apparently, it was filed after 60 days. This is not a ground in which to deny employee's right to relief, if he is entitled to it.

2. Therefore, this Appellate order is set aside and direction is issued to condone the delay and hear the matter on merits and pass appropriate orders on merits within 2 months next. OA allowed to this limited extent.

3. It may be noted that we are not saying anything on the merits of the matter, which we leave it for the authorities to decide. We are only saying that on technicalities, a relief should not be denied. That all matters must be disposed of on merits and not on technicalities, unless the technicality is so gross. In this we feel that the technicality is not so gross. The delay is only 15 days.

4. OA allowed. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

vmr

Annexures referred to by the applicant in OA. No.214/2017

Annexure A-1: Copy of the Charge Memo.

Annexure A-2: Copy of the Reply to the Charge Memo.

Annexure A-3: Copy of the Enquiry Report dated 29.06.2016.

Annexure A-4: Copy of the Defence Statement.

Annexure A-5: Copy of the Show Cause Notice.

Annexure A-6: Copy of the Detailed reply to the Show Cause Notice.

Annexure A-7: Copy of the Dismissal order dated 23.09.2016.

Annexure A-8: Copy of the Appeal.

Annexure A-9: Copy of the Order dated 21.03.2017.

.....