

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

LIBRARY

No. OA 350/00728/2016

Date of order : 8.8.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

DR. CHITTARANJAN MONDAL

VS

UNION OF INDIA & ORS.

For the applicant : Mr.D.N.Roy, counsel  
Mr.B.Nandy, counsel  
For the respondents : Mr.S.Banerjee, counsel

O R D E R

Ms.Bidisha Banerjee, J.M.

Ld. Counsels for the parties were heard and materials on record were perused.

2. This is the second journey of the applicant to this Tribunal assailing an entire proceedings initiated by a charge memo, culminating into a final order, along with the report of the Presenting Officer as well as the report of the Enquiry Authority

3. In the earlier round in OA 1629/15 preferred seeking the same reliefs as in the present OA, this Tribunal found that without preferring a statutory appeal, the OA was filed straightway. Accordingly by an order dated 20.11.15, disposing of the OA, the applicant was given liberty to prefer statutory appeal along with an application for condonation of delay before the Appellate Authority within 15 days from the date or receipt of a copy of the order and in the event the Appellate Authority condoned the delay to dispose of the appeal within three months from the date of receipt of such appeal. The appeal was preferred on 15.12.15 with an application for condonation of delay. On 24.1.16 having found through track report that the appeal could not be served as the

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door was locked and despite intimation it was not collected and remained unserved, the appeal was forwarded once again on 24.1.16. The applicant is aggrieved as till date no order has been passed on the same.

4. Ld. Counsel for the applicant vociferously submitted that since the authorities failed to act in terms of the order passed by this Tribunal granting it three months' time limit to dispose of the appeal, the applicant should be allowed to ventilate his grievance in regard to the entire proceedings without waiting for disposal of the appeal.

5. In our considered opinion since the appeal could not be served upon the Appellate Authority within the time limit fixed by this Tribunal i.e. within 15 days from the date of receipt of the copy of the order, the authorities were in no way bound to consider the appeal preferred beyond time. The applicant ought to have sought for extension of time to prefer appeal, instead of forwarding the appeal on 24.1.16 on its own.

6. However, since the applicant failed to serve the copy in terms of the earlier direction, in the interest of justice in view of the provisions of Rule 24 of CAT (Procedure) Rules, 1987 which stipulates that *"the Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its order or to prevent abuse of its process or to secure the ends of justice"*, the present OA is disposed of with a direction upon the applicant to forward a copy of the appeal to the Disciplinary Authority within 15 days from the date of receipt of a copy of this order along with an application for condonation of delay in preferring the appeal.

7. Upon receipt of the same the Disciplinary Authority will forward the copy of the appeal with the application <sup>for condonation of delay</sup> to the appropriate Appellate Authority immediately thereafter.

8. The Appellate Authority shall upon receipt of the copy of the appeal so <sup>and prayer for condonation of delay</sup> forwarded by the Disciplinary Authority consider and dispose of the application <sup>7/2</sup>

within two months from the date of receipt, with a reasoned and speaking order and in accordance with law.

9. It is made clear that we have not gone into the merits of the case and all points are kept open for consideration by the respondents.

10. No order is passed as to costs.

(JAYA DAS GUPTA)  
MEMBER (A)

(BIDISHA BANERJEE)  
MEMBER (J)

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