

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/1169/2018

Date of decision: 04.12.2018

...

CORAM: **HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).**
 HON'BLE MRS. AJANTA DAYALAN, MEMBER (A).

...

Vivechana Saini, age 38 years, C/o Balraj Singh Saini, Village-Kalaser,
P.O. Sujampur, Teh. & Distt. Pathankot, Pin Code 145023. Group-C.

... APPLICANT

VERSUS

1. Union Territory Administration, Chandigarh through its Secretary,
Health Department, Chandigarh, Pin Code 160017.
2. Director/Principal, Govt. Medical College and Hospital, Sector-32,
Chandigarh, Pin Code-160030.

... RESPONDENTS

Present: Sh. Lakhinder Bir Singh, counsel for the applicant.
 Sh. G.S. Chinna, counsel for the respondents.

ORDER (Oral)

...

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicant assailing the orders
dated 03.08.2015 (Annexure A-22) and 16.09.2017 (Annexure A-23).
2. When matter came up for hearing on 01.10.2018, following order was
passed:-

“Heard.

Learned counsel contends, inter-alia, that the order rejecting
the appeal filed by the applicant against dismissal order has not
been passed by the competent authority but by the authority
who passed the dismissal order, and that too by a non-speaking
order, which is illegal.

Issue notice to the respondents.

None of the advocates, authorized to accept notice on behalf of Chandigarh Administration, is present in the Court, therefore, let notices be sent directly to the respondents themselves.
List on 16.10.2018.”

3. Today, Sh. G.S. Chinna, appearing on behalf of the respondents submitted that statement of the applicant that his appeal has been considered and rejected by an incompetent authority is against the facts because he has not filed statutory appeal before the competent authority. He submitted that appeal is to be addressed to Home Secretary as per Rule 16 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, whereas applicant had addressed the same to Director/Principal, GMCH, Chandigarh. Therefore, averment made by the applicant that his appeal has been rejected by an incompetent authority is not factually correct.
4. Since applicant has not addressed appeal to Appellate Authority, therefore, we give him liberty to file an appeal within 15 days from today along with an application for condonation of delay to the competent Authority. If such an appeal is filed by him, then on receipt of the same, Appellate Authority is directed to consider the same along with application for condonation of delay sympathetically. We expect that Appellate Authority will decide the appeal of the applicant on merit within the time frame indicated under rule formation.
5. The O.A. stands disposed of in the above terms.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 04.12.2018.
Place: Chandigarh.

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