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SLP(C)No. 21077 OF 2000

ITEM No.57

Court No. 3

SECTION XV  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.21077/2000  
(From the judgement and order dated 06/09/2000 in DBCWP 2351/00  
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

PREM PRAKASH TIWRI

Petitioner (s)

VERSUS

U.O.I. & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 12/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL  
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Ms. Shobha, Adv. for  
M/s K.L. Mehta & Co.,Adv.

For Respondent (s) Mr. K N Raval, ASG  
Mr. Amit Mahajan and Mr. P Parmeswaran,Adv.

UPON hearing counsel the Court made the following  
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Special leave granted.

The appeal is allowed, the orders of the High Court as well as of the Tribunal and the order of the Director, Postal Services, Jaipur Region, dated 7th April, 1995 whereby the departmental appeal was dismissed are set aside and it is directed that the departmental appeal of the appellant be decided afresh by the competent authority preferably within eight weeks from today.

(D.P. WALIA)  
Court Master

(D.D. JINDAL)  
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@  
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[arising out of S.L.P.(C) No. 21077/2000]

Prem Prakash Tiwari ..Appellant(s)

vs.

Union of India & Ors. ..Respondent(s)

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Special leave granted.

In the instant case, against the order imposing punishment, the appellant had filed a departmental appeal. The departmental appeal was dismissed on the ground of delay, the delay being of a few days. The appeal filed against the same was dismissed by the Tribunal and the Tribunal in its order has observed that while exercising judicial review it should not act as an appellate court and reappraise the evidence. Further challenge to the Tribunal's order was unsuccessful. Hence, this appeal.

While the Tribunal may be correct in observing that it is not its function to reappraise the evidence, we find that in the instant case the authority which could reappraise the evidence declined to do so because the departmental appeal was dismissed on the ground of delay. This right of the appellant was taken away, and in our opinion wrongly.

The departmental appeal filed by the appellant should have been entertained and decided on merits. We, accordingly, allow this appeal, set aside the orders of the High Court as

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well as of the Tribunal and the order of the Director, Postal Services, Jaipur Region, dated 7th April, 1995 whereby the departmental appeal was dismissed and direct that the departmental appeal of the appellant be decided afresh by the competent authority preferably within eight weeks from today.

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.....J.  
(B.N. KIRPAL)

.....J.  
(RUMA PAL)

