

7.
23-8-2002
MA 800/2002
OA 518/2002

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Present : Sh. S.K.Gupta, ld. counsel for the applicant.
Sh. R.P.Aggarwal, ld. counsel for the respondents.

Heard S/Sh. S.K.Gupta, ld. counsel for the applicant and R.P. Aggarwal, ld. counsel for the respondents.

disposing of 2. During the hearing Sh. S.K.Gupta, ld. counsel pointed out that the Tribunal while passing the order on 22-2-2002, ~~to~~ dispose of OA 518/2002, had directed respondent No.2 i.e. Chief Post Master General, Delhi Circle, New Delhi - 1 to consider the comprehensive and self-contained representation of the applicant and dispose it of by means of detailed reasoned and speaking order within two weeks from the date of receipt of such representation. However, the representation filed by the applicant was disposed of by Director of Postal Services who was not the respondent No.2 and competent to deal with representation in terms of Tribunal's order dated 22-2-2002. Sh. Gupta further points out that this was in violation of the Tribunal's order.

3. Replying on behalf of the respondents, Sh. R.P.Aggarwal, ld. counsel pointed out that the Tribunal's order was complied with by the order passed by Sh. Kharkwal, Director of Postal Services who was a senior officer in the Delhi ^{Post} Circle. However, following the filing of this MA, Chief Post Master General (respondent No.2) has passed an order on 7-6-2002 which was in full compliance of the Tribunal's directions. Sh. Gupta, ld. counsel points out at this stage that the order passed by Chief Post Master General did not represent the full and proper compliance of the Tribunal's order as it was only a reiteration and addition by the

law and, therefore, a direction has to be issued that the Chief Post Master General himself should deal with the representation independently and take the decision. Sh. Aggarwal, ld. counsel states that the same would be done, for which he sought two months time.

We have
4. I have carefully considered the matter. Perusal of the Tribunal order dated 22-2-2002 makes it clear that the consideration of the representation to be filed by the applicant was to be done by the Chief Post Master General who was respondent No.2 and not by any other functionary. Director of Postal Services is no doubt a senior officer of the Postal Deptt., but he is someone two rungs in the official ^{hierarchy} below the Chief Post Master General. Consideration of the representation and its disposal by the Director of Postal Services does not amount to the compliance of the Tribunal's order. The fact that the Chief Post Master General on a subsequent date i.e. 7-6-2002 continued and supplemented the earlier order of the Director, also does not ^{specifically meet} specify the requirement of law. Tribunal's order called for the consideration of the representation by the Chief Post Master General independently and on his own and till the same is done, Tribunal's order could not be treated as having been duly complied. Therefore, the respondent No.2 i.e. Chief Post Master General is granted ^{two months} one month's time from today for issuing a fresh, detailed and speaking order after ^{independently} considering the representation in the light of law and instructions on the subject.

5. MA 800/2002 is accordingly disposed of. Issue DAST.

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(SHANKER RAJU)
MEMBER (J)

[Signature]
(GOVINDAN S. TAMPI)
MEMBER (A)