

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.455/2018 with MA Nos.196 & 254/2019

This the 07th day of February, 2020

Shri Lahanbhai Mangubhai Kurtutia
DOB : 01.06.1959, Age : 59 years
Son of Shri Mangubhai Biyajibhai Kurtutia
Sub Postmaster, Khergam Sub Post Office,
District : Navsari 396 040.
Residing at & P.O. : Dholumbar, Via Rampur- 396070.
District : Navsari Applicant.
(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
 2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
 3. The Postmaster General
Vadodara Region, Vadoara 390 002.
 4. The Director Postal Services
Office of the Postmaster General
Vadodara Region, Vadodara 390 002.
 5. Sr. Supdt. of Post Office
Navsari Division
Navsari – 396 445. **Respondents**
- (By Advocate : Ms. R.R.Patel)

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

MA No.254/2019 preferred by the applicant of the OA for amendment is listed for hearing today. One another MA, bearing No.196/2019 preferred by the applicant of the OA for placing Order of Appellate Authority dated 06.3.2019, on record is also pending.

2. The backdrop facts, as has transpired from record are that instant OA, was preferred in September 2018 and Charge-Memorandum, dated 22.11.2017 (Annexure A-1) as well the Punishment awarded vide Order dated 13.12.2017 (Annexure A-2), after conclusion of the departmental inquiry, by the Disciplinary Authority has been impugned by the applicant. The respondents have filed their reply wherein, in addition to other contention an objection that appeal preferred by applicant against the order passed by the Disciplinary Authority is still pending before Director Postal Service, Vadodara and hence the OA being premature deserve dismissal. As informed now the Director Postal Service, Vadodara, the Appellate Authority has since dismissed the appeal, vide his order dated 06.03.2019.

3. In above said background MA, bearing No.196/2019, having prayer to allow to place on record the order of the Appellate Authority and second MA, bearing No. MA No.254/2019 stating that applicant wants to challenge the order of the Appellate Authority and having prayer to allow amendment in OA, relating to order of the Appellate Authority, have been preferred by the applicant of OA.

4. Have heard the counsel for the parties. Learned Counsel Shri A.D.Vankar Advocate, appearing for applicant fairly submits that at the time of filing of the OA, appeal was pending and that applicant ought to have wait for the outcome of the appeal and that even the outcome of the appeal has not come as per his expectation, he would have to exhaust further remedy of Revision but he opted to file the OA, which was not

advisable at that stage. He also submits that provision for filing Revision against the order of Appellate Authority is there and since now Appellate Authority has passed order so in the circumstances, it is appropriate for the applicant to exhaust that remedy first, rather to press these MA. He urged that the applicant may be given liberty to file revision petition against the order of the Appellate Authority and be allowed to withdraw this OA.

5. Learned counsel for the respondents, Ms. R.R.Patel has urged that OA is premature and was filed without exhausting all available remedy, even waiting for outcome of the departmental appeal. That even after passing of the order of the Appellate Authority applicant did opt to file these two MA. She requested to dismiss the MA and pass appropriate order.

6. Considered the submissions. Taking note of entirety and in expediency of justice, this OA is disposed of as withdrawn. Applicant, if wish may file Revision against the order of the Appellate Authority and if any such Revision Petition is filed by the applicant, Revisionary Authority shall consider and take decision on the Revision Petition at the earliest possible by taking into consideration all aspects. Needless to say that no observation or expression on merit of the case of applicant shall be construed to have been said in this Order.

7. In view of disposal of OA, as withdrawn no MA survives and hence both above said MA accordingly are also stand disposed of.

(M.C.Verma)
Member (J)