

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the **19th** day of **October** 2020

Original Application No. 330/00580 of 2020

Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)
Hon'ble Mr. Anand Mathur, Member (A)

Smt. Anjani Agrawal, W/o Shri Pradhuman Kumar Gupta, Dy. Post Master-II (U/S) Bareilly H.O., R/o Udit-3 Mahanagar Bareilly, Izzat Nagar, Bareilly (U.P.)-243122.

. . .Applicant

By Adv : Shri S.K. Kushwaha

V E R S U S

1. Union of India thorough Secretary, Ministry of Communication and I.T., Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Bareilly Region, Bareilly.
4. Director Postal Services, in the office of P.M.G. Bareilly Region, Bareilly.
5. Senior Superintendent of Post Offices, Bareilly Division, Bareilly.
6. Shri S.K. Trivedi, Senior Post Master, Bareilly Head Post Office, Bareilly.

. . .Respondents

By Adv: Shri L.P. Tiwari

O R D E R

By Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)

We have joined this Division Bench online through Video Conferencing.

2. Shri S.K. Kushwaha, learned counsel for the applicant is present in court and Shri L.P. Tiwari, learned counsel for the respondents is present online through video conferencing.

3. Heard learned counsel for both the parties and perused the records in pdf form.

4. The applicant is an employee of postal department, who is under suspension is aggrieved by the impugned order dated 13.07.2020 passed by respondent No. 5 (Disciplinary Authority) and another impugned order dated 16.09.2020 passed by the Appellate Authority.

5. The grievance of the applicant is that on 28.09.2020, the applicant preferred review before the Revisionary Authority, which is still pending. However, the Inquiry Officer, without considering the fact that the review is pending, proceeded with the inquiry and fixed the date for 29.09.2020.

6. Learned counsel for the applicant submitted that it was not proper to the Inquiry Officer, against whom the applicant had moved an application to change him on the ground of bias, to proceed with the inquiry. Reliance has been placed in OA No. 717/2017 – Shri Krishna vs. Union of India and other, passed by CAT, Allahabad Bench.

7. Learned counsel for the applicant further submitted that, at this stage, the applicant will be satisfied that if the Revisionary Authority (Respondent No. 2), is directed to decided the review of the applicant dated 28.09.2020 by passing a reasoned and speaking order in a time bound manner.

8. Learned counsel for the respondents has no objection to the aforesaid limited prayer made by the learned counsel for the applicant.

9. In view of the limited prayer made by learned counsel for the applicant, no useful purpose will be served in keeping this OA pending, hence this OA is decided at the admission stage itself with a direction to the respondent No. 2 / competent authority amongst the respondents to decide the review of the applicant dated 28.09.2020 by passing a reasoned and speaking order in accordance with law, within a period of two months from the date of receipt of certified copy of this order. Respondents are further directed to provide copy of the order passed on the aforesaid review of the applicant without any delay.

10. Respondents are further directed that for a period of two months or till the disposal of the review dated 28.09.2020, whichever is earlier, proceedings of disciplinary inquiry shall remain stayed.

11. It is made clear that this Tribunal has not expressed any opinion on the merits of the case.

12. With the above direction the OA is disposed of at the admission stage itself. No costs.

13. Copy of this order be given to learned counsel for both the parties forthwith.

14. Hon'ble Shri Anand Mathur, Member (Administrative) has consented this order during Video Conferencing.

(Anand Mathur)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

/pc/