

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00152/2021

DATED THIS THE 22nd DAY OF FEBRUARY 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA MEMBER (A)

Subhas D.Basaligundi,
S/o Duntappa,
Aged about 45 years,
Working as Inspector of Post,
Athani Sub division,
Athani 591304
Residing at
C/o Balavaddi,
KEB Jranna Nagar,
Mudalgi PO 591312
Belagavi District.

.....Applicant

(By Advocate Shri P.Kamalesan)

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan, New Delhi – 110001.

2. Post Master General,
N.K.Region,
Dharwad-580 001.

3. Superintendent of Post Offices,
Chikodi Division,
Chikodi – 591201.Respondents

ORDER (ORAL)

Per: SURESH KUMAR MONGA, MEMBER (J):

Aggrieved by an order of penalty dated 15.12.2020, the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

2. Learned counsel for the applicant has submitted that pursuant to memorandum dated 10.01.2020, the applicant had submitted a detailed representation on 10.02.2020. However, without considering the said representation in correct perspectives, the disciplinary authority has issued the order of penalty on 15.12.2020.

3. When confronted that the order dated 15.12.2020 is an appealable order and, therefore, the Original Application cannot be maintained without availing the efficacious remedy of appeal, learned counsel for the applicant submitted that the present Original Application may be disposed of with a direction to the appellate authority to treat the aforesaid representation dated 10.02.2020 as applicant's appeal against the order dated 15.12.2020 and decide the same within a timeframe.

4. Keeping in view the aforesated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to Director of Postal Services, N.K.Region, Dharwad to treat the applicant's aforesaid representation dated 10.02.2020 as an appeal against the order dated 15.12.2020 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of one month from the date of receipt of a certified copy of this order.

6. So long as the applicant's appeal remains pending with the Director of Postal Services, N.K. Region, Dharwad, no recovery pursuant to order dated 15.12.2020 shall be effected.

7. Ordered accordingly.

8. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

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(SURESH KUMAR MONGA)
MEMBER (J)