

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00132/2020

Date of decision: 04.08.2020

CORAM

**HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

Ghan Shyam Bhargav S/o Shri Bhanwar Lal Bhargav, Age-58 years b/c Bhargav-OBC, R/o H.No. 127, Laxmi Nagar Tausar road Nagaur. (Office Address:- Employed as Postal Assistant at DO Nagaur Division under SPO, Nagaur Division Nagaur).

.....Applicant

By Advocate: Mr. S.P. Singh present through VC.

Versus

1. Union of India through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Director of Postal Services O/o Postmaster General Office, Western Region, Jodhpur.
4. Superintendent of Post Offices, Nagaur Division, Nagaur.

.....Respondents

By Advocate: Mr. K.S. Yadav present through VC.

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

Shri S.P. Singh, learned counsel for the applicant, present through Video Conferencing. Shri K.S. Yadav, Central Government Standing Counsel present through Video Conferencing after getting an advance notice on behalf of the respondents.

2. This is a second round of litigation wherein in the first round of litigation this Tribunal taking into consideration that the appeal preferred by the applicant was not decided by the respondents, directed the respondents to decide the appeal of the applicant dated 13.06.2017 within a period of two months. At the same time, it was also directed that till the appeal is not decided by the respondents, no recovery should be affected and the OA was disposed off accordingly. In view of this Tribunal's order dated 09.11.2017, the appeal was decided on 14.12.2017 by the respondents wherein the Appellate Authority quashed the punishment imposed upon the applicant by the Disciplinary Authority with a direction to start a De Novo inquiry. In consequence thereof, the impugned order dated 03.06.2020 has been

passed by the respondents again which is impugned order in the present OA.

3. Learned counsel for the applicant states that the respondents have not followed proper procedure and again passed the same order on the same allegations.

4. Learned counsel for the respondents very fairly states that this time also the applicant has approached this Tribunal in a hurry without waiting for the outcome of the appeal preferred by him. He also states that the applicant should have waited atleast for six months as provided under the Act.

5. We have heard rival contentions of the parties. The cause of action arose in this matter way back in the year 2013 and long 07 years have already been passed. The respondents should have finalized the fate of the applicant by this time. As the appeal is already pending with the respondents this time also, we direct the respondents to decide the appeal preferred by the applicant within 03 months from the date of receipt of certified copy of this order. Till that time, no recovery should be affected from the applicant.

6. Accordingly, OA is disposed off at the admission stage itself making it clear that nothing has been commented on the merits of the case. Disposed off accordingly. No costs.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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