

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA**

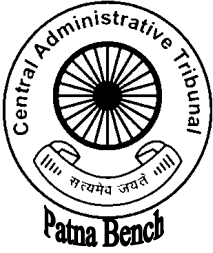
**OA No 411/2020**

**Due to COVID-19 Pandemic, case has been heard & decided  
through Video Conferencing**

**Date of order 09.11.2020**

**CORAM**

Hon'ble Shri M.C. Verma, Member [ J ]  
Hon'ble Shri Sunil Kumar Sinha, Member [ A ]



1. Amar nath Sah 11 Son of late Biframa Sah resident of Village- Bhalua Makund P.O.- Bhaisakhal PS Jiradai District- Siwan 841227.

.....Applicant

**By Advocate : Shri S.K. Tiwari**

Versus

1. The Union of India through the Secretary cum D.G. Department of Posts, Dak Bhawan, New Delhi-110001.
2. The Chief PMG, Bihar Circle, Patna-800001.
3. The Postmaster General Northern Region, Muzaffarpur-842002.
4. The Director of postal services, Northern Region, Muzaffarpur Postmaster General, Northern Region, Muzaffarpur-842002.
5. The Superintendent of Post Offices, Siwan Division, Siwan-841226.

.....Respondents

**By Advocate: Shri H.P. Singh**

**ORDER (ORAL)**

**M.C. Verma, M [ J ]:-** 1. The O.A is at notice stage hearing. Advance copy of the O.A. has been served to the counsel for respondents and Shri H.P. Singh Advocate has appeared for respondents.

2. Applicant assailing the order of Disciplinary Authority, dated 18.03.2020 (Annexure A/2), whereby punishment of recovery of Rs.5,00,000/- (five lacs) has been directed, has preferred instant O.A. Pleadings reflects that against the order of disciplinary authority, applicant did prefer departmental appeal, on 29.04.2020, but said appeal still is pending before the Appellate Authority.

3. Learned counsel for applicant pressing the OA submits that more than six months have passed after filing of appeal and therefore applicant

prefer the O.A. He requests for issuance of notice and for stay of recovery.

4. Shri H.P. Singh, learned counsel for respondents submits that it is incorrect that six months have passed after filing of appeal, said appeal was sent through registered post on 29.04.2020 and it was received in the office of respondents on 11.04.2020 and thus O.A can not be said to be filed before expiry of the six months. Anyhow, he concluded that it is not appropriate to entertain the O.A. as the appeal is still lying pending. He requests to dispose of the O.A. with suitable direction as this Tribunal deems fit & proper.



5. Considered the submissions made at Bar. It is undisputable that against the order of Disciplinary Authority, appeal has been preferred and that said appeal is still pending. Taking note of entirety, it would be appropriate to dispose of the O.A with direction to respondent Appellate Authority to consider and dispose of the appeal by passing a speaking order. According to applicant and respondents respondent no.4 i.e The Director of postal services, Northern Region, Muzaffarpur Postmaster General, Northern Region, Muzaffarpur -842002 is the Appellate Authority.

6. Accordingly, Respondent no.4 is directed to consider and dispose of the appeal within four months from the date of receipt of copy of this order. As the request for stay of recovery relates, applicant is at liberty to prefer the petition before Appellate authority to stay the recovery and it is hoped that Appellate Authority would adopt a rational approach and would pass appropriate order about the recovery within 15 days of filing the petition.

7. With aforesaid observation and direction, the O.A. stands disposed of. No order as to costs.

(Sunil Kumar Sinha) M ( A )

(M.C. Verma ) M [ J ]

/mks/

