

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

DATE OF DECISION 3-9-93

OA-1632/93

Sh. J. S. Chauhan

Petitioner

Advocate for the Petitioner(s)

Sh. H. C. Vashisht

Versus

U.O. I. & Ors

Respondent

Advocate for the Respondent(s)

None

CORAM

The Hon'ble Mr. I. K. Rasgotra, Member(A)

The Hon'ble Mr. B. S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (ORAL)

(delivered by Sh. I. K. Rasgotra, Member(A))

The petitioner herein was inflicted the penalty of reduction to the lower post of Postman vide order dated 30-6-93, passed by the Sr. Superintendent of Post Office, Delhi.

The relevant part of the said order is extracted below:-

" I, J. Chaurkeshi Sr. Supdt. of PO's Delhi East Div., disciplinary authority in this case hereby order that Sh. J. S. Chauhan is awarded the penalty of reduction to post of Postman with the pay scale 825-15-900-EB-20-1200 until he is found fit, after a period of two years 8 months with immediate effect, to be restored to the higher post of Postal Asstt. The punishment will have the effect of postponing his future increments on restoration to Postal Asstt. Cadre, if found fit after expiry of 2 years 8 months ". *✓*

(TW)

The learned counsel for the petitioner submits that respondents have imposed on the petitioner multiple punishments and, therefore, the Tribunal may consider granting an interim relief by staying the operation of impugned order dated 30-6-93. On a query from the Bench, the learned counsel for the petitioner submitted that he had not filed any appeal before the competent authority. The provision for of an appeal in a disciplinary case is a statutory requirement and the petitioner can agitate all the issues raised in this OA before the Appellate Authority. The petitioner must exhaust departmental remedy available to him under the statute before approaching the Tribunal. If the same is not disposed of the Appellate Authority within a reasonable period of time, or he is aggrieved by the final order so passed, he can then approach the Tribunal in accordance with law. At the present stage OA is premature is accordingly dismissed at the admission stage.


(B.S. HEGDE)

MEMBER(J)


(I.K. RASGOTRA)

MEMBER(A)

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