

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

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original Application No. 1488 of 2001.

this the 16th day of April 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.  
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

pramod Kumar Sachan, S/o Sri Kundan Lal Sachan, R/o  
Village Makrandapur, Post Gurgaon, District Kanpur.

Applicant.

By Advocate : Sri I.P. Srivastava.

Versus.

1. Additional Supdt. of Post Offices, Kanpur Nagar,  
Division, Kanpur.
2. Supdt. Circle Stamp Depot, Kanpur Nagar.
3. Postmaster General, Kanpur Region, Kanpur.
4. Chief Postmaster General, Lucknow.
5. Inquiry Officer/ UP Mandaliya Nirikshak Dakshin  
Dakghar Kanpur Nagar Mandal, Kanpur.

Respondents.

By Advocate : Sri R.C. Joshi.

O R D E R (ORAL)

JUSTICE R.R.K. TRIVEDI, V.C.

This C.A. under Section 19 of the A.T. Act 1985,  
has been filed challenging the order dated 29.9.2000  
passed by the Senior Supdt. of Post Offices, Kanpur  
Division, Kanpur ( respondent no. 1 ) by which the  
applicant has been given punishment of removal from  
service on conclusion of the disciplinary proceedings.  
It is not disputed that the applicant has a statutory  
right to file an appeal before the next higher authority  
namely Director, Postal Services against the impugned  
order, which the applicant has not availed. In the

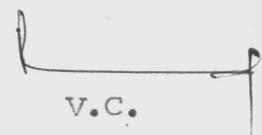


circumstances, the present O.A. is not legally maintainable.

2. The learned counsel for the applicant, however, submits that in view of the pendency of O.A. no. 947 of 1996, the applicant was advised to file the present O.A. without approaching the appellate authority, and if it files now, ~~which shall not~~ be beyond time. We have considered the submissions of the learned counsel for the applicant. As the applicant was acting in a bonafide manner on the basis of the legal advise given by the counsel, he is entitled to get a liberty to file an appeal before the appellate authority.

3. The O.A. is accordingly disposed of finally with liberty to the applicant to file an appeal before the appellate authority within a period of three weeks. ~~from the date of communication of this order.~~ If the appeal is so filed by the applicant, the same will be considered by the appellate authority in accordance with law and shall be ~~passed~~ <sup>Decided by</sup> a reasoned and speaking order within a period of three months from the date of receipt of such appeal. There shall be no order as to costs.

  
MEMBER (A)

  
V.C.

GIRISH/\_