

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 24th day of March, 2004.

Original Application No. 286 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

Suresh Chandra Sharma S/o Sri Babu Ram Sharma  
R/o Village-Pipraul Pukhta, P.O. Ujhani,  
Tehsil- Sadar, Distt. Badaun.

.....Applicant

Counsel for the applicant :- Sri S.K. Srivastava

V E R S U S

1. Union of India through Secretary,  
Post and Telegraph, New Delhi.
2. Post Master General, U.P. Lucknow.
3. The Superintendent (Post & Telegraph),  
G.P.O, Badaun.
4. The Superintendent of Post Offices,  
Badaun Division, Badaun.

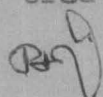
.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R

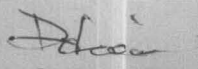
By Hon'ble Mr. Justice S.R. Singh, VC.

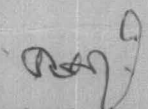
While the applicant was working as Sub Post Master, he was prosecuted in criminal case No. 1321/97 State Vs. Suresh under section 409 IPC. It appears that he was placed under suspension on account of his involvement in a criminal case. The applicant was acquitted from the charge vide order dated 26.05.2003 passed by the C.J.M, Badaun. The instant O.A was filed on 24.02.2004 claiming relief that the respondents be directed to grant promotion to the applicant treating him to be continued in service.



2. It appears that after the applicant was acquitted he sent a legal notice dated 30.09.2003. In reply to the said notice it was stated in para 10 of the reply that in departmental proceedings, the applicant was held guilty of the charge levelled against him and hence he was removed from service. The order of removal is not under challenge in this O.A. At this stage learned counsel for the applicant states that he may be permitted to withdraw the O.A with liberty to pursue his remedy against the order of removal passed in departmental proceeding.

3. In view of the statement made by the learned counsel for the applicant the O.A is dismissed with liberty to the applicant to pursue his remedy against the order of removal/ dismissal from service passed by the departmental authority *on the basis of* ~~in respect~~ of disciplinary proceedings.

  
Member- A.

  
Vice-Chairman.

/Anand/