

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 21st day of JULY 2005

ORIGINAL APPLICATION 775 OF 2005

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. S.C. Chaube, Member (A)

Prem Narayan Pandey, S/o Late R.K. Pandey
R/o Vill and Post Ata,
Distt Jalaun.

...Applicant

By Adv : Sri V.K. Singh

V E R S U S

1. Union of India, through its Secretary,
Ministry of Communication,
NEW DELHI.
2. The Chief Post Master General,
U.P. Circle,
LUCKNOW.
3. Director Postal Services,
O/o Post Master General, U.P. Circle,
Agra Region,
Distt AGRA.
4. Senior Supdt. Of Post Offices, Jhansi Div.,
JHANSI.
5. Assistant Supdt. Of Post Offices,
Orai Sub-Div.,
Distt ORAI.

.....Respondents

By Adv : Sri S. Singh

O R D E R

By Justice S.R. Singh, VC.

This OA is directed against order contained in
Memorandum No. F-4/1/04-05/Disc, dated at Jhansi
30.06.2005, whereby the applicant has been removed
from service in exercise of power conferred

Ran

(L)

conferred under rule 12 (2) (a) of CCS (CCA)
Rules 1965.

2. Learned counsel for the respondents has raised preliminary objection that the applicant has an alternative remedy of appeal against the order of removal from service and, therefore, he may be relegated to avail of the remedy of appeal. Learned counsel for the applicant has contended that the impugned order has been passed in violation of principle of natural justice in that the Disciplinary Enquiry in the case was conducted in violation of the Statutory Provisions and, therefore, alternative remedy would not be taken as bar to the maintainability of the OA. It has further been submitted by the learned counsel for the applicant that according to the instructions contained in D.G., P & T Letter No. 201/70/74-Disc. II dated 20.05.1976, the Enquiry Officer should necessarily belong to a different division, but in the instant case the Enquiry Officer belonged to the same division.

3. Having heard the learned counsel for the parties we are of the considered view that the points regarding breach of principle of natural justice and violation, if any, and relevant instructions regulating disciplinary enquiry may very well be raised before the Appellate Authority. We have no manner to doubt that if any such point is

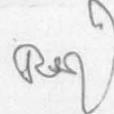
R&J

(S)

raised in the memo of appeal, the Appellate Authority would apply its mind to the points and take appropriate decision thereon in accordance with law.

4. Accordingly, the OA is finally disposed of at the admission stage itself with the direction that the applicant file appeal within a period of three weeks from today before the Appellate Authority, who shall look into and dispose of the same in accordance with law and in the light of the observations made in this order within a period of four months from the date of communication of memo of appeal alongwith this order.

5. There shall be no order as to costs.


Member (A)
Vice-Chairman

/pc/