

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.102/2021

This the 18th day of March, 2021

**COROM : Hon'ble Shri Jayesh V. Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Kishorbhai H. Vala
Son of Hathibhai Vala
Male, Aged about 47 years
At Post, Varasada, via Lathi
Taluka & District : Amreli 365 430. Applicant

(By Advocate : Shri P.H.Pathak)

Versus

1. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
2. Superintendent of Post Office,
Amreli Division, Amreli – 365 601.
3. Post Master General
Director of Postal Services
Rajkot Region, Rajkot – 360 001 Respondents.

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, it is the grievance of the applicant that though he has put about 28 years of services and while he was working as GDS BPM, with Varasada B.O./Lathi S.O. under office of the Superintendent Post Office, Amreli Division, Amreli due to unavoidable circumstances he remained four days absent, for which he was subjected to departmental inquiry under Rule 10 of Gramin Dak

CAT, Ahmedabad Bench

Sevak (Conduct and Engagement), Rules 2011. He was served with charge memorandum for major penalty. The Disciplinary Authority not accepted his explanation and awarded major punishment of removal from service vide Order dated 04.12.2018. Aggrieved by it, he has preferred an appeal to the Chief DPS Rajkot Region, Rajkot on 20.12.2018, in addition to it, he has submitted corrigendum to his appeal dated 22.12.2018 (Annexure A-4 Colly. refer). The said appeal along with corrigendum remained pending till date before the Appellate Authority and no order has been passed. Hence, this OA.

2. Considering the reasons stated in the MA No. 134/2021 for condonation of delay, the same is allowed.

3. After arguments for some time, counsel for the applicant, Shri P.H.Pathak submits that the applicant will be satisfied, if appropriate direction be issued to the Appellate Authority to decide his pending appeal/ representation along with corrigendum to the appeal within stipulated time framed and if not decided within said time framed, liberty would be given to the applicant to revive this OA.

4. Considering the aforesaid submissions and on perusal of the materials on record, it is noticed that, admittedly, the applicant had submitted his statutory appeal before the Appellate Authority on 20.12.2018 along with corrigendum dated 22.12.2018 (Annexure A-4 Colly.) against the order passed by the Disciplinary Authority.

CAT, Ahmedabad Bench

According to the applicant, the said appeal is pending for consideration before the Appellate Authority.

5. In view of the above factual matrix and submission of the counsel for the applicant, without entering into merits of the case, we deem it fit to dispose of this OA with a direction to the Appellate Authority i.e. Respondent No.3, if not yet decided the appeal dated 20.12.2018 along with corrigendum dated 22.12.2018 (Annexure A-4 Colly.) of the applicant, the same shall be decided in accordance with the statutory rules by way of speaking order expeditiously, but not later than three months from the date of receipt of a copy of this order and intimate the decision to the applicant. If the statutory appeal is not decided within the time framed as directed, liberty is granted to the applicant to revive this OA.

6. In view of the above, the OA stands disposed of.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

nk