

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00178/2021

DATED THIS THE 05TH DAY OF MARCH, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Venkatesh B. Pattar,
S/o Basavaraj
Aged about 40 years,
Working as Sub Post Master
Algali SO 591248
Residing at: Aligali PO 591248
Athani Taluk, Belgaum District

....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi 110 001

2. Post Master General,
N.K. Region,
Dharwad 580 001

3. Superintendent of Post Offices,
Chikodi Division,
Chikodi 591 201

.....Respondents

ORDER (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

Aggrieved by an order of penalty dated 27.01.2021, the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the

Administrative Tribunals Act, 1985.

2. Learned counsel for the applicant has submitted that pursuant to memorandum dated 10.01.2020, the applicant had submitted a detailed representation on 06.02.2020. However, without considering the said representation in correct perspectives, the disciplinary authority has issued the order of penalty on 27.01.2021.

3. When confronted that the order dated 27.01.2021 is an appealable order and, therefore, the Original Application cannot be maintained without availing the efficacious remedy of appeal, learned counsel for the applicant submitted that the present Original Application may be disposed of with a direction to the appellate authority to treat the aforesaid representation dated 06.02.2020 as applicant's appeal against the order dated 27.01.2021 and decide the same within a timeframe.

4. Keeping in view the aforestated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to Director of Postal Services, N.K.Region, Dharwad to treat the applicant's aforesaid representation dated 06.02.2020 as an appeal against the order dated 27.01.2021 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded

an opportunity of hearing. The whole exercise shall be undertaken within a period of one month from the date of receipt of a certified copy of this order.

6. So long as the applicant's appeal remains pending with the Director of Postal Services, N.K. Region, Dharwad, no recovery pursuant to order dated 27.01.2021 shall be effected.

7. Ordered accordingly.

8. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/