

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/00296/2021

Date of Order: This, the 12th day of October, 2021

HON'BLE MS. JASMINE AHMED, MEMBER (J)

Anil Tiwari, aged about 33 years, S/o Sri Shesh Narain Tiwari, R/o 538 Kha/149/25 Loni Katra Post Office Nirala Nagar, Lucknow.

... Applicant

By Advocate: Shri Dharmendra Awasthi.

- Versus -

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Government of India, Dak Bhawan, New Delhi.
2. Superintendent of Posts Offices, Lucknow Division, Lucknow.
3. Assistant Superintendent of Post Offices, South Sub-Division, Lucknow -226 007.



.....Respondents

By Advocate: Ms. Prayagmati Gupta.

O R D E R (ORAL)

BY HON'BLE MS. JASMINE AHMED, MEMBER (J).



It is the contention of the learned counsel for the applicant that the applicant has been given temporary charge in addition to his own duties on the post of In-charge Branch Postmaster at Post Office Mauda, Lucknow and also to collect and distribute the Dak articles from Amausi Post Office, Lucknow. The main contention of the learned counsel for the applicant is that in humanitarian aspect it is not feasible to discharge the duties assigned to the applicant by the respondents at three places vide order dated 01.09.2021. In this regard, a representation has been made by the applicant on 05.09.2021, which is annexed as Annexure No. 4. It is also contended by the learned counsel for the applicant that without deciding the representation of the applicant dated 05.09.2021, the respondents issued a show cause notice dated 07.09.2021 (Annexure No. 1). At this, learned counsels for the respondents states that the applicant should have given reply to the show cause notice dated 07.09.2021 and thereafter approach this Tribunal. As the applicant did not furnish the reply to the show cause notice, the present OA is pre-mature.

2. At this stage, learned counsel for the applicant states that the applicant would be happy and satisfied if a direction is given by this Tribunal to the respondents to consider and decide his representation of the applicant dated 05.09.2021 which is pending with the respondents keeping in mind whether it is possible for the applicant to

perform multiple duties as assigned to him by the respondents. The applicant apprehends that if he did not obey the order of the respondents, they will proceed against him as would be evident from the show cause notice issued by the respondents themselves.



3. Accordingly, the respondents are directed to decide the representation of the applicant dated 05.09.2021 (Annexure No. 4) taking into consideration the plea(s) raised by the applicant in his representation, by way of a reasoned and speaking order within a period of one month from the date of receipt of a certified copy of this order. Till the representation is decided, no coercive action shall be taken against the applicant pursuant to show cause notice dated 07.09.2021.
4. Original Application is disposed of at the admission stage itself. It is made clear that nothing has been commented on the merits of the case.
5. There shall be no order on costs.

**(MS. JASMINE AHMED)
MEMBER (J)**

JNS