

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.226/2021

Date of Decision: 9th March, 2021

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Atmaram Pundlikrao Wagawad
Age 63 years, retired Asstt. Postmaster
Nanded Head Post Office,
Resid:-92, Girijai, House No.1-1-237
Mahaveer Society, Nanded - 431 602. ... Applicant

(By Advocate Shri D.M. Shukl)

VERSUS

1. The Union of India (through Secretary,
Department of Posts), Dak Bhavan,
Sansad Marg, New Delhi - 110 001.
2. The Chief Postmaster General,
Maharashtra Circle, Mumbai GPO Bldg,
Mumbai - 400 001.
3. The Postmaster General
Aurangabad Region,
Aurangabad - 431 002.
4. The Superintendent of Post Offices,
Nanded Division,
Nanded - 431 602. ... Respondents

Proceeding conducted through videoconferencing with
consent of counsel for the applicant

ORDER (ORAL)

Per: Ravinder Kaur, Member (J)

Present:

Advocate Shri D.M. Shukl for the applicant.

2. Heard him on admission.
3. Vide present OA, the applicant seeks quashing

and setting aside of the impugned charge Memo dated 20.07.2017. During the course of arguments, the applicant's counsel has conceded that the inquiry has already been concluded though the order of the Disciplinary Authority thereon is still awaited. In these circumstances, the present OA cannot be entertained at the threshold of the disciplinary proceedings in the absence of any final decision of the respondent authority.

4. As per the Apex Court decision in the case of Chairman, Life Insurance Corporation of India & Others Vs. A. Masilamani, reported in 2013 (6) SCC 530, the Courts/Tribunals are not competent to quash the chargesheet and related disciplinary proceedings before they are concluded. Thus, the present OA cannot be admitted at this premature stage for adjudication by this Tribunal.

5. At this stage, the applicant's counsel seeks permission to withdraw the present OA.

6. In these circumstances, the Original Application is dismissed as withdrawn. The applicant may take up all his grievances before the concerned Disciplinary Authority and the Appellate Authority. No order as to costs.

(Ravinder Kaur)``
Member (J)

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(Dr. Bhagwan Sahai)
Member (A)

JD