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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration O.A.No.416 of 1987

Hari Shankar Srivastava Applicant.
Versus
Union of India & others Respondents.

Hon'ble D.S. Misra, A.M.

Hon'ble G.S. Sharma, J.M.

(Delivered by Hon. D.S. Misra, A.M.)

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985 the applicant has challenged the order dated 26.4.1985 passed by the Superintendent of Post Offices, Mirzapur Division, Mirzapur imposing the punishment of recovery from the D.C.R.G. of the applicant. The applicant has contended that the order of recovery was in contravention of Rule 109 of the Post & Telegraph Manual, Vol.III.

2. On going through the papers it is found that the punishment of recovery of Rs.6,626.79 p. was passed by the Superintendent of Post Offices, Mirzapur Division, Mirzapur vide order dated 24.7.1984 (copy Annexure 'A-1'). The appeal of the applicant against the above mentioned order was partially modified by the Director, Postal Services, Allahabad by his order dated 23.3.1985. This appellate order is in the nature of a final order ^{Under} ~~and~~ C.C.S.(C.C.A.) Rules, 1965. There is no provision for a further appeal to any higher authority. However, the applicant made a representation to the Director General, Posts & Telegraphs, New Delhi

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on 1.4.1985 with a copy to the Post Master General, U.P. Circle, Lucknow on 21.10.1986 (copy Annexure '4'). The Post Master General, U.P. Circle, Lucknow, has asked the Director, Postal Services, Allahabad, for necessary action in the matter vide letter dated 15.1.87 (copy Annexure '5'). The Director, Postal Services, Allahabad has not yet sent any communication to the applicant with reference to his representation addressed to the Director General, Posts & Telegraphs, New Delhi, and forwarded to the Director, Postal Services, Allahabad, for necessary action. A period of six months has not yet passed. As the applicant has chosen to make representation, he should await the disposal of this representation until the expiry of a period of six months from the date of the communication from the Post Master General, U.P. to the Director Postal Services, Allahabad.

3. As has been observed earlier the applicant has already exhausted the prescribed departmental remedy available to him and this application has not been filed within the period of limitation reckoned from the date of the disposal of his appeal by the order dated 23.3.1985 and is thus not within the period of limitation under Section 21 of the Administrative Tribunals Act. The best that can be done in the present case is that we direct the Director, Postal Services, Allahabad to dispose of the representation of the applicant within a period of three months from the date of receipt of this order. The application is disposed of accordingly.

Bhima
18.5.87
A.M.

J.S. Sharma
18/5/87
J.M.

Dated: May 18, 1987.
PG.