

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 11th day of February, 2002

Original Application No. 366 of 1993.CORAM :-

Hon'ble Maj Gen KK Srivastava, A.M.

Hon'ble Mr. AK Bhatnagar, J.M.

Dharam Kishor Lal,

Son of Sri Jagdish Prasad,

Branch E.D. Postmaster, Shahidgaon,

Varanasi.

(Sri Rajesh Kumar Srivastava, Advocate)

.Applicant

Versus

1. The Postmaster General,
Allahabad Region, U.P. Circle,
Allahabad.
- 2.3 The Senior Superintendent of Post Offices,
East Division, Varanasi.
3. The Union of India through Secretary,
Ministry of Communication, New Delhi.
(Sri R.C. Joshi, Advocate)

.Respondents

ORDER (O_r_a_l)By Hon'ble Maj Gen KK Srivastava, A.M.

In this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the appellate order dated 30-3-1992 and the punishment order dated 15-7-1991 (Annexures-1 and 2 to the OA) passed by respondent nos.1 and 2 respectively.

2. We have heard Sri Rajesh Kumar Srivastava, counsel for the applicant and Sri V.V. Mishra, counsel for the respondents and perused the record carefully.

3. The facts of the case in short are that the applicant was put off duty w.e.f 19-10-1983 and was removed from service on 9-12-1987. Against the dismissal order the applicant preferred an appeal which was allowed.

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by the appellate authority, Respondent no.1 by order dated 27-3-1989 set aside the dismissal order and further directed for starting de novo enquiry. The charge sheet was issued and after completion of disciplinary proceedings the applicant was removed from service on 15-7-1991. The applicant's appeal against the order of removal was also rejected by the appellate authority vide order dated 30-3-1992. Aggrieved by this, the applicant has filed this OA.

4. Sri Rajesh Kumar Srivastava, learned counsel for the applicant submitted that the impugned order of removal dated 15-7-1991 is illegal because during the enquiry the Inquiry Officer did not provide any documents. The material witnesses were also not examined which is violative of the principles of natural justice.

5. Sri V.V. Mishra, counsel for the respondents while contesting the claim of the applicant submitted that the applicant died on 18-7-2000 and a substitution application was filed on 12-3-2001 which is beyond the limitation prescribed. MA No.1241/2001 was filed for substitution by Smt. Bina Devi, widow of Late Dharam Kishor Lal, the original applicant. This Tribunal vide its order dated 12-7-2001 while rejecting the MA as time barred dismissed the OA as abated.

6. We have given due consideration to the submissions made by the counsel for the parties. We are in respectful agreement with the decision of this Tribunal dated 12-7-2001. MA No.3368/2001 praying for recall of the order dated 12-7-2001 is rejected because the OA has already been dismissed by this Tribunal as abated.

Member (J)

Member (A)

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