

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

.....

Original Application No. 1062 of 1995  
this the 14th day of February 2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)  
HON'BLE MR. C. S. CHADHA, MEMBER (A)

Chandra Shekhar, S/o R/o Extra Departmental Delivery  
Agent, Bajardeeha, Varanasi.

Applicant.

By Advocate : Sri V.K. Srivastava.

Versus.

1. Union of India through its Secretary, Ministry  
of Posts & Communication, New Delhi.
2. Director postal Services, Allahabad.
3. Postmaster General, Allahabad.
4. Supdt. of post Offices, West Division, Varanasi.

Respondents.

By Advocate : Sri S.K. Pandey for Sri A. Sthalekar.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant has filed this O.A. for quashing  
of the punishment order and for issuing the directions  
to the respondents to reinstate him on the post/he <sup>which</sup>  
was holding with all consequential benefits.

2. It appears from the record that the applicant  
while working as Extra Departmental Delivery Agent  
(EDDA in short) was served with a chargesheet dated  
10.12.1992 for alleged mis-conduct of making the  
payment of certain Money Orders amounting to Rs.3264/-  
to fake persons. The applicant submitted his reply  
to the charges levelled against him, denying the  
charges. The disciplinary authority appointed an  
Enquiry Officer, who after conducting the enquiry,

subscribed the order. R

submitted the enquiry report on 27.11.93 holding the charges proved against the applicant. The disciplinary authority on the basis of the findings of the Enquiry Officer passed the removal order dated 28.2.94. The applicant preferred an appeal against the removal order to the appellate authority on 21.4.94, which was decided vide order dated 24.9.94. The appellate authority directed the disciplinary authority to initiate the whole proceedings on De-Novo. However, the disciplinary authority instead of initiating the whole proceedings De-Novo, passed the impugned removal order dated 28.6.95 without holding any enquiry. Hence, the applicant has challenged the validity of the impugned order inter alia on the ground that the impugned punishment order is liable to be quashed being against the rules and directions of the appellate authority.

3. We have heard the learned counsel for the parties and have perused the pleadings on record.

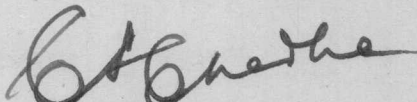
4. The respondents in their Counter reply have stated that the applicant has not exhausted the departmental remedy like filing an appeal before the respondent no.2, hence the present O.A. is pre-mature.


5. It is not disputed by the learned counsel for the applicant that the applicant did not prefer any appeal against the impugned punishment order before the appellate authority. We, therefore, find that the present O.A. is pre-mature.

6. Considering the facts and circumstances of the case, we dispose of this O.A. with the direction to the applicant to file a statutory appeal before the appellate authority within a period of one month from the date of communication of this order, which will be considered by the appellate authority as per



rules within a period of two months from the date of receipt of such appeal, treating the appeal having been filed within time. No costs.

  
MEMBER (A)

  
MEMBER (J)

GIRISH/-