

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 which to the respondents to reinstate him on the post/he 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,

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 interalia 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.

Girish
MEMBER (A)

Ramnath
MEMBER (J)

GIRISH/-