

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1443 OF 1999  
ALLAHABAD THIS THE 30TH DAY OF NOVEMBER, 2004

HON'BLE MR. M. P. SINGH, VICE-CHAIRMAN  
HON'BLE MR. A. K. BHATNAGAR, MEMBER J

Kamla Kant, Misra,  
aged about 55 years,  
Son of Late Jagat Narain Misra,  
Resident of House No.736,  
Colonelganj, Allahabad.

. . . . . Applicant

( By Advocate Sri K.P. Srivastava )

Versus

1. Union of India,  
through the Secretary (Posts),  
Ministry of Communication,  
Govt. of India,  
New Delhi.
2. The Sr. Supdt. of Post Offices,  
Allahabad-211001.
3. The Senior Post Master,  
Head Post Office,  
Allahabad-211001.

. . . . . Respondents

( By Advocate Sri D.S. Shukla )

ORDER

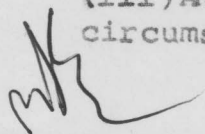
HON'BLE MR. M.P. SINGH, VICE-CHAIRMAN

By filing the O.A. applicant has sought the following reliefs:-

"(i) to quash the charge memo dated 24.3.1998 and punishment order dated 15.11.1999.

(ii) To direct the respondent to pay the cost of the application.

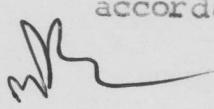
(iii) Any other relief as deem proper in the circumstances of the case."



2. The brief facts of the case are, that the applicant was working as Sub Post Master (Saving Bank) w.e.f. 01.01.1994. A chargesheet dated 24.03.1998 was issued to the applicant and the applicant has submitted representation on 25.09.1999. Thereafter the disciplinary authority vide its order dated 15.11.1999 imposed the penalty on the applicant that a sum of Rs.79,200/- be recovered from his pay in 36 instalments of Rs.2200/- each, and also ordered to stop next annual increment for two years without cumulative effect. It is this order of the disciplinary authority that the applicant has filed this O.A. challenging the aforesaid order.

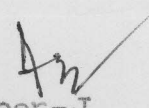
3. During the course of arguments the learned counsel for the respondents has submitted that the applicant has not filed any appeal (Statutory requirement) challenging the order of the disciplinary authority and has rushed to the Tribunal against the order of disciplinary authority. The applicant has, therefore, not exhausted the departmental remedies available to him.

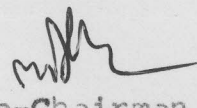
4. In view of the above position, we consider it appropriate to direct the applicant to submit an appeal against the order of Disciplinary Authority. Accordingly, without going into the merits of the case, we direct the applicant to file an appeal before the Appellate Authority against the order of the Disciplinary Authority within a period of two months from today. If he complies with this, the Appellate Authority i.e. Director Postal Services is directed to consider and decide the appeal of the applicant in accordance with rules and law by passing a speaking,



detailed and reasoned order within a period of three months from the date of receipt of such an appeal from the applicant. The respondents are further directed not to raise the issue of limitation and also give a personal hearing to the applicant before deciding the appeal of the applicant.

5. With the above direction, the O.A. stands disposed of. No order as to costs.

  
Member-J

  
Vice-Chairman

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