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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated : This the 30<sup>th</sup> day of April 2009

Original Application No. 1288 of 2000

Hon'ble Mr. A.K. Gaur, Member (J)

Hon'ble Mr. S.N. Shukla, Member (A)

Ajai

(Ajai) Kumar, S/o Shri Ghazi Ram, R/o Village and P.O.  
Bhagpur, Distt: Bijnor.

... Applicant

By Adv : Sri A. Tripathi

**V E R S U S**

1. Union of India through the Secretary, (Posts) Department of Posts, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.
2. Post Master General, Dehradun Region, Dehradun.
3. Superintendent of Post Offices, Bijnor Division, Bijnor.
4. Assistant Superintendent of Post Offices, Dhampur Sub Division, Dhampur (Bijnor).

... Respondents

By Adv: Sri S.C. Mishra

O R D E R

By Hon'ble Mr. A.K. Gaur, Member-J

Shri A. Tripathi, learned counsel for the applicant and Sri S.C. Mishra, learned counsel for the respondents.

2. Learned counsel for the applicant invited our attention to the order passed by the Appellate Authority dated 25.05.2000 (Annexure A-2 to the OA). He submitted that the appellate order is passed in a

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most casual and perfunctory manner and without application of mind. We have also perused the order and found that there is no application of mind. The grounds taken in the memorandum of appeal has not been taken into account.

3. Learned counsel for the respondents submitted that in the operative portion of the order the appellate authority has confirmed the order of "Sewa Samapthi" passed by the disciplinary authority. Learned counsel for the applicant would further contend that in view of Rule 9 of GDS (Conduct and Employment) Rules, 2001 there is no such punishment as indicated by the appellate authority.

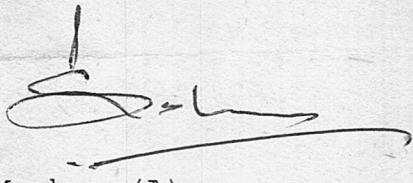
4. We have gone through the authenticity of the appellate authority and in view of the several decisions of the decisions rendered by Hon'ble Supreme Court in *AIR 1986 SC 1173 : Ram Chand Vs. U.O.I. and others, 2006 (11) SCC 147 : Director IOC Vs. Santosh Kumar, JT 1994 (1) SC 597 : National Fertilizer Vs. P.K. Khanna and 2006 SCC (L&S) 840 : N.M. Arya Vs. United Insurance Co*, the appellate order is not at all sustainable.

5. We accordingly without interfering with the disciplinary order, the appellate order dated 25.05.2000 (Annexure A-2 to the OA) is quashed and set aside. If the applicant so deserves he may file fresh representation within a period of 10 days from the date of receipt of a

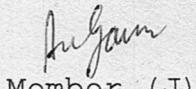
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copy of this order and the Appellate Authority may consider and decide the same by passing reasoned and speaking order within a period of three months from the date of receipt of a copy of this order alongwith representation.

4. With the above observation the OA is disposed of. No cost.



Member (A)



Member (J)

/pc/