

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 1234 of 2002.

Allahabad, this the 20th day of November, 2002.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj Gen KK Srivastava, A.M.

Brijesh Kumar Sharma  
aged about 30 years,  
Son of Late Sri D.N. Sharma,  
R/o Village Rakasawan Takiya Ram,  
P.O. Majhgawan, District Jaunpur.

.....Applicant.

(Counsel for the applicant : Sri R.B. Srivastava/ Sri S.P. Singh)

Versus.

1. Union of India  
through the Secretary,  
Department of Posts,  
Government of India,  
New Delhi.
2. The Superintendent of Posts Offices,  
Jaunpur Division,  
Jaunpur.

.....Respondents.

(Counsel for the respondents: Sri R.C. Joshi)

O R D E R (Oral)

By this O.A. filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the order dated 27.09.02 by which the applicant has been awarded punishment on conclusion of disciplinary proceeding under Rule 16 of



C.C.A (C.C.S) Rules.

2. Applicant has approached this Tribunal without availing the remedy of appeal provided under the rules. We do not find any good ground for approaching this tribunal directly, without availing statutory alternative remedy.

3. Applicant has submitted that if the applicant is compelled to file appeal now, appeal shall be time barred. Considering this aspect, we have heard counsel for the ~~applicant~~ and in our opinion, applicant may be given liberty to file appeal <sup>within</sup> ~~and appellate authority may be given to decide the appeal,~~ ~~and~~ certain time, ~~and appellate authority may be given to decide the appeal,~~ expedituously.

4. The O.A., is accordingly disposed of finally. Applicant ~~shall be~~ given liberty to file appeal within 2 weeks, which shall be considered and decided by the Appellate Authority within 3 months from the date of copy of this order filed before him. The applicant may also make an application for staying the recovery, which shall be considered and decided within 2 weeks from the date of filing of the order. Copy of the order may be given within one week.

No order as to costs.



Member A



Vice-Chairman.

Manish/-