

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 432 OF 2003

TUESDAY, THIS THE 29th DAY OF APRIL, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Indra Kumar Tripathi, aged about 45 years,  
s/o Shri Ram Chandra Tripathi,  
r/o Village & Post- Lohwara,  
District-Chitrakoot.

.....Applicant

(By Advocate : Shri K. C. Sinha)

V E R S U S

1. Union of India through Secretary,  
Ministry of Communication,  
Department of Post, Dak Bhawan,  
New Delhi.
2. Director, Postal Services,  
Kanpur Region,  
Kanpur.
3. Superintendent of Post Offices,  
Banda Division, Banda.

....Respondents

(By Advocate : Shri R.C. Joshi)

O R D E R

By this O.A. applicant has challenged the order dated 28.01.2003 (Annexure A-4) and has sought a direction to the respondents to accord the petitioner his increment whenever the due date comes, which has been withheld in pursuance of the order dated 28.01.2003.





2. It is submitted by the applicant that applicant was appointed as Postal Assistant at Hamirpur and he was transferred from Hamirpur to Banda in the year 1982 while the applicant was discharging his duties as a Saving Bank Counter Clerk in the Head Post Office, Banda. He was served with a charge sheet dated 04.12.2002 under Rule 16 of the CCS (CCA) Rules, 1965 (Annexure -A-1). It is also submitted by the applicant that he gave an application on 15.12.2002 requesting the authorities to give him the necessary documents so that he may recall the incident but no such copies of documents were provided to him. He has further submitted that vide application dated 17.01.2003 he has requested the authorities specifically to hold the proper inquiry in the interest of justice (Pg.21) but the authorities did not even hold the proper inquiry and vide order dated 28.01.2003, the disciplinary authority imposed the punishment on the applicant for stoppage of one increment for one year without cumulative effect. This punishment will be effective after expiry of the punishment awarded earlier (Annexure A-4). It is submitted by the applicant that being aggrieved by the said order he preferred a detailed appeal to the Director, Postal Services, Kanpur on 27.02.2003 (Annexure A-5) but till date the said appeal has not been decided, therefore, he has approached the Tribunal for seeking the reliefs.

3. It is submitted by the applicant's counsel that since the disciplinary authority's order suffers from basic lacuna in as much as no inquiry was held inspite of specific

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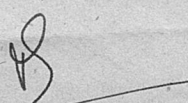
request made by the applicant, it is not necessary for waiting the outcome of the ap-peal and he can always seek the relief from the Tribunal for quashing of the said order.

4. I have heard applicant's counsel and perused the pleadings as well.

5. Admittedly, the punishment was given to the applicant by order dated 28.01.2003 against which he has already filed an appeal to the Director Postal Services Kanpur on 27.02.03, whereas the present O.A. has been filed on 16.04.2003, meaning thereby that not even 2 months have passed after filing of the appeal, <sup>2 once 2</sup> ~~whereas~~ applicant has elected to file an appeal before the competent authority, He ought to have waited for the outcome of the said appeal. Therefore, this O.A. is premature at this stage and cannot be entertained.

However, in the interest of justice, respondents are directed to dispose of the said appeal within a period of 3 months from the date of receipt of a copy of this order under intimation to the applicant. It goes without saying that order passed by the appellate authority should be a reasoned and speaking order dealing with all the points raised by the applicant in his appeal.

6. With the above direction this O.A. is disposed off at the admission stage itself with no order as to costs.

  
Member (J)