

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.455 of 2003.

Allahabad this the 29th day of April 2003.

Hon'ble Maj Gen KK Srivastava, Member-A.

Hon'ble Mr. A.K. Bhatnagar, Member-J.

Om Prakash Singh
aged about 45 years,
Son of Shri Murari Singh
working as Sub-Post Master
Station Road Sub-Post Office
Moradabad.

.....Applicant.

(By Advocate : Sri A.B.L. Srivastava)

Versus.

1. Union of India
through the Secretary to Govt. of India
Department of Post cum Director
General Post, Ministry of Communication
Dak Bhawan, New Delhi.
2. The Director of Post Services
Office of Post Master General
Bareilly Region, Bareilly.
3. The Senior Superintendent Post Office
Moradabad Region, Moradabad.

.....Respondents.

(By Advocate : Sri R.C. Joshi)

O R D E R

(HON'BLE MAJ GEN KK SRIVASTAVA, A.M.)

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the punishment order dated 31.03.2003 by which the recovery of Rs.6000/- has been ordered at the rate of Rs.500 per month from the pay of the applicant.

2. The facts, in short, giving rise to this O.A. are

that the applicant was posted as Assistant Post Master Savings Bank in Head Post Office Moradabad from May 1999 to August 1999. The applicant was served with a minor penalty chargesheet under Rule 16 of C.C.S(C.C.A) Rule 1965 on 10.03.2003. The grievance of the applicant is that he requested for an enquiry conducted as per the provisions contained in Note-2 of below Rule 2 of Postal Manual Vol-3. However, respondent No.3 did not consider the request of the applicant and passed the punishment order dated 31.03.03 which has been challenged.

3. Learned counsel for the applicant, on query by Court, submitted that the applicant has filed an appeal on 09.04.2003 before respondent No.2 i.e., Director of Postal Services, Bareilly, ^{huk} the appeal of the applicant is yet to be decided.

4. Sri G.R. Gupta learned counsel for the respondents, opposing the claim of the applicant, submitted that it was proper for the applicant to file the O.A., after his appeal was decided by the Appellate Authority, and without waiting for the appellate order, the applicant, in hurry, has rushed to this Tribunal and has filed the O.A.

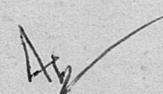
5. We have heard learned counsel for the parties, considered their submissions and perused records.

6. In our considered opinion, the O.A., can be decided at the admission stage itself by giving direction to the respondent No.2 to decide the appeal of the applicant within ^{huk} specified time. We also consider it appropriate to protect the interest of the applicant till the appeal is decided.

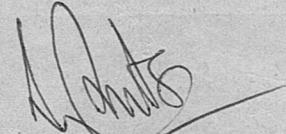


7. In view of the above, we direct the respondent No.2 i.e., Director of Postal Services, Bareilly, who is the Appellate Authority, to decide the appeal of the applicant within 3 months by a reasoned order, considering the various grounds advanced by the applicant in his appeal dated 09.04.2003 (Annexure A-9). We also direct that till the appeal of the applicant is decided by the Appellate Authority, respondent No.3 is restrained from making any recovery from the pay of the applicant as ordered by punishment order dated 31.03.03.

8. With the above direction, the O.A. is disposed of at the admission stage itself with no order as to costs:



Member-J.



Member-A.

Manish/-