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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 02nd day of JANUARY 2007.

Original Application No. 1484 of 2006.

Hon'ble Justice Khem Kharan, Vice-Chairman
Hon'ble Mr. P.K. Chatterji, Member-A

C.L. Prasad, S/o Sri Lalsa Prasad, working as Asstt. Post Master In Head Post Office, Varanasi.

.... Applicant

By Adv: Sri A. Kumar

V E R S U S

1. Union of India and others through the Director General of Posts, Dak Bhawan, Sansad Marg, **New Delhi**.
2. Director of Postal Services, Allahabad Region, **Allahabad**.
3. Sr. Superintendent of Post Offices, Varanasi East Division, **Varanasi**.

.... Respondents

By Adv: NIL

O R D E R

Hon'ble Mr. Justice Khem Karan, VC

The applicant is challenging the punishment order dated 30.03.2006 and also the notice of enhancement given by the Appellate Authority. Sri A. Kumar has stated that appeal against the said punishment is pending. He has also tried to say that the amount mentioned in the punishment order is being recovered from the salary of the applicant, in absence of stay order etc. by the Appellate Authority. According to Sri A. Kumar the notice of enhancement is also not legally permissible or justified.

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2. We are of the view that since the appeal itself is pending before the Appellate Authority and since the applicant has opportunity to meet the notice of enhancement by filing his version, so there is no point in admitting this OA. The proper course seems to be to ask the Appellate Authority to dispose of the appeal, within the time to be fixed by this Tribunal. In case the applicant remains aggrieved even after the decision in the appeal or decision in any other departmental remedy he will be free to come before this Tribunal. In so far as the question of recovery from pay is concerned, the applicant may request the Appellate Authority to pass some order to protect his interest and if he does so the Appellate Authority will consider the same.

3. This OA is disposed of with the direction to the Appellate Authority namely Director of Postal Services, Allahabad Region, Allahabad (Respondent No. 2) to dispose of the applicant's appeal against the said punishment order within a period of 40 days from the date a certified copy of this order is produced before him.

Member (A)

Vice-Chairman