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(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 27th day of **February**, 2008.

HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J

ORIGINAL APPLICATION NO. 1213 OF 2007

Neeraj Mishra, a/a 34 years, S/o Shri Hari Kishore Mishra,
R/o Shanti Nagar (Chaubepur), Kanpur Nagar.Applicant.

VER S U S

1. Union of India through the Secretary, M/o Communication,
D/o Posts India, New Delhi-11.
2. The Director General, Posts and Telegraphs,
Janpath, New Delhi-11.
3. The Director of Postal Services, Office of the Post Master General,
Kanpur Region, Kanpur.
4. The Senior Superintendent of Post Offices,
Kanpur City Division, Kanpur.

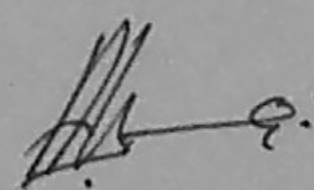
.....Respondents

Present for the Applicant:
Present for the Respondents :

Sri R.K. Shukla
Sri Saumitra Singh

ORDER

This Original Application is filed against the order dated 31.10.2007 and other relief(s). Learned counsel for the applicant submits that the impugned order is illegal and arbitrary one and the same is not preceded by any inquiry and without giving opportunity to the applicant, the impugned order was passed. Being aggrieved, the applicant preferred an appeal dated 21.11.2007 (Annexure- II to the O.A) before the competent Appellate Authority, which is still pending for consideration. Since the Appellate Authority has not decided the appeal



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of the applicant and the recovery against the applicant is continuing, therefore, the present O.A is filed.

2. On notice, the respondents were directed to file Counter Affidavit and to make submissions with regard to the interim prayer and the pending appeal. Inspite of opportunity, respondents have not filed Counter Affidavit. However, learned counsel appearing for the respondents, has submits that since the appeal before the Appellate Authority is pending, therefore, the O.A is not maintainable and sought for dismissal of the O.A.

3. Having regard to the submissions made by the counsel for both parties, I thought it just and proper to direct the Appellate Authority to consider and decide the appeal dated 21.11.2007 (Annexure- II to the O.A) by a reasoned and speaking order in accordance with law, within a period of two months from today.

4. In the meanwhile, since the applicant has requested for interim order as the impugned order is not sustainable, having regard to the same, I direct the respondents not to make any recovery from the applicant in the light of impugned order till the appeal is decided.

5. With the above observation, the O.A is disposed of finally at the admission stage itself with no order as to costs.


MEMBER- J.

/Anand/