

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(ALLAHABAD THIS THE 21st DAY OF MARCH, 2012)

Present

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. SHASHI PRAKASH, MEMBER (A)

Original Application No.685 OF 2007
(U/S 19, Administrative Tribunal Act, 1985)

Anand Kumar Tripathi, S/o Ram Ajor Tripathi,
R/o Village & Post Office-Saltauwa,
District-Basti.

.....Applicant

V E R S U S

1. Union of India, through the Secretary,
Ministry of Communication, Dak Bhawan,
New Delhi.
2. The Post Master General,
Gorakhpur Division, Gorakhpur.
3. The Superintendent of Post Offices, Basti.
4. Sub Divisional Inspector (Post),
Dariaganj, District-Basti.

.....Respondents

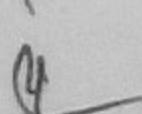
Advocates for the Applicant:- Shri Pankaj Srivastava

Advocate for the Respondents:- Shri N.P. Shukla

O R D E R

(DELIVERED BY MR. SANJEEV KAUSHIK, MEMBER (J))

Admittedly, the present original application has been filed against the show cause notice dated 23.5.2007 (Annexure A-2). Shri Pankaj Srivastava, learned counsel for the applicant admitted that the applicant has already filed reply to the show cause notice. Shri N.P. Shukla appearing on behalf of respondents raised a preliminary objection that the

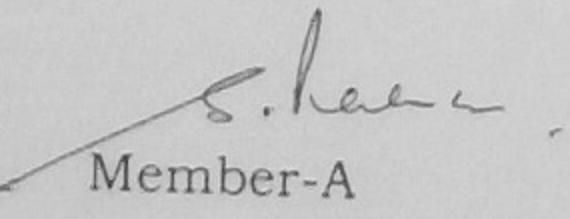


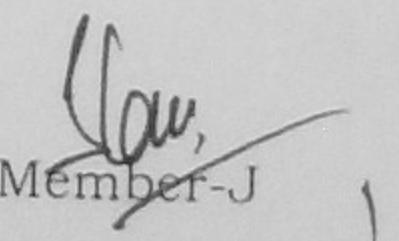
present petition be dismissed as the applicant is only impugning the show cause notice and no final order thereupon has been passed, therefore, he is having an alternative remedy to file reply before the authority and thereafter the authority will pass an appropriate order which if adversely affected the right of the applicant, he may agitate by filing original application. He placed reliance upon the judgment of Hon'ble Apex Court reported in AIR 2004 SC 2434 and AIR 2007 SC 906.

2. We have considered the matter and gone through the judgment cited by learned counsel appearing on behalf of respondents. The applicant is having the alternative remedy of filing reply before the respondents against the impugned show cause notice. It is not that the show cause notice is without jurisdiction. In view of the settled law no petition lies against the show cause notice as the remedy of filing reply against the show cause notice is available to an employee.

3. Keeping in view the authoritative law on the subject the instant original applicant is dismissed being premature. Let the respondents take a final decision on the reply filed by the applicant pursuance to the show cause notice within four weeks as requested by Shri Shukla. If the order is passed against the applicant then the same will remain stayed for three weeks thereafter.

4. In view of the above, the original application stands disposed of in above terms. No Costs.


Member-A


Member-J