

IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

(1)

O.A. No. 351 OF 1990.

~~Ex-AxxDtor.~~

DATE OF DECISION 4.1.1993.

Somabhai Lilabhai Raval, Petitioner

Mr. C.S.Upadhyay, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Somabhai Lilabhai Raval,
Sub Post Master
Bhojwa Pin - 383 155.

.... Applicant.

(Advocate: Mr. C.S.Upadhyay)

Versus.

1. The Superintendent of Post
Offices, Gandhinagar Division,
Gandhinagar.

2. The Regional Director,
Postal Services,
Vadodara Region,
Vadodara.

3. The Chief Post Master General,
Circle Office, Ashram Road,
Ahmedabad.

4. The Union of India
copy to be served through
The Director General of
Posts, Dak Bhavan,
New Delhi.

.... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 351 OF 1990

Date: 4-1-1993.

Heard Mr.C.S.Upadhyay, learned advocate for the
applicant and Mr. Akil Kureshi, learned advocate for the
respondents.

2. This application under section 19 of the
Administrative Tribunals Act, 1985, is filed by a
Post Master serving with the Postal Department seeking
the relief that the impugned order of punishment dated
30th March, 1990 passed by Superintendent of Post
Offices, Gandhinagar by which one next increment of the
applicant was withheld for a period of three months
without cumulative effect be quashed and set aside.

re

3. ^{main hurdle} The ~~made~~ hurdle in the way of the applicant is that without exhausting the remedy of appeal against the order Annexure A-9 dated 30th March, 1990, the applicant ^{had} straight away filed this application under section 19 of the Administrative Tribunals Act 1985. ^{The} applicant ^{in alternative} should have exhausted the remedy by filing an appeal before the competent authority which he has not done in this case and therefore this application is not maintainable under section 20 of the Administrative Tribunals Act. It is pertinent to note at this stage that ~~this~~ very applicant had previously filed an appeal against the previous order before the Director, Postal Services, Vadodara who had held that the previous charge sheet was defective and had directed for denovo trial setting aside the previous order of the disciplinary authority. It was thereafter a fresh charge sheet was issued and the disciplinary authority started enquiry and gave an order Annexure A-9 which is under challenge. Under these circumstances the present application is not maintainable and deserves to be dismissed.

4. The applicant should prefer first an appeal before the competent authority against the order of disciplinary authority Annexure A-9 dated 30th March, 1990. If the applicant prefers the appeal as early as possible before the competent authority, the competent authority may consider to condone the delay in filing the appeal as the time spent before this Tribunal could be considered as a reasonable ^{and} ^{while} ~~excuse~~ for computing the limitation

period, therefore, the appellate authority may consider to condone the delay if the applicant prays for condonation of delay in filing the appeal before the said authority.

5. With the above observation the application is dismissed as not maintainable. No orders as to costs.

Raval

(R.C.Bhatt)
Member (J)

vtc.