

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~NEW X D E X N I~~

O.A. No. 205 1991
~~Case No.~~

DATE OF DECISION 8.8.1991

Shri V.T. Modi Petitioner

Shri K.C. Bhatt Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri P.M. Raval Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh : Admn. Member

The Hon'ble Mr. S.Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *JK*
2. To be referred to the Reporter or not? *JK*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

Shri Vijaykumar Thakarlal Modi,
Office Asstt.,
Office of the Supdt. of Post Offices,
Bardoli - 394 601. Applicant.

(Advocate :Mr. K.C. Bhatt)

Versus.

1. Union of India, through
The Director General,
Department of Posts,
Ministry of Communication,
Parliament Street,
New Delhi - 110 001.
2. The Chief Postmaster General
Gujarat Circle,
Ahmedabad - 380 009
3. The Postmaster General
Vadodara Region,
Vadodara - 390 002.
4. The Supdt. of Post Office,
Bardoli Division,
Bardoli - 394 601. Respondents.

(Advocate: Mr.P.M. Raval)

ORAL ORDER

O.A.No. 205 /1991

Date: 8-8-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

This original application under section 19 of the Administrative Tribunals Act, 1985, has been filed to challenge the order dated 10.12.1990 passed by the Post Master General, Vadodara Region, Vadodara, to treat the period from 26.9.1984 to 30.6.1986 as absence from duty. Relief sought is to set this order aside with all consequential benefits. This period falls between the date of termination of the applicant and to his reinstatement in service.

2. The respondents have in their reply at para 6.29 averred that the applicant has the right to appeal against the order to Chief Postmaster General,

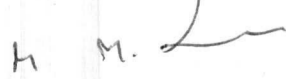
Ahmedabad, and that he has also the right to prefer petition even against the orders of Chief Postmaster General, Ahmedabad, if any.

3. The applicant's contention in the rejoinder is that, this part of the reply is not correct. While saying so the applicant has given the facts of the case, the substance of which is that the Postmaster General Vadodara is an independent authority for Vadodara Region, and that the Chief Postmaster General, Ahmedabad is not the appellate authority above the Postmaster General, Vadodara, and that the decision has been taken by the higher officer of the Region who was not the competent authority to take decision.

4. Normal arrangement under disciplinary rules of CCS(CCA) Rules, is that, when original order is passed by a authority, the appeal against that order if provided in the Rules lies with the authority above such authority. In the case before us the respondents have themselves averred that the appeal against the impugned order lies to the Chief Postmaster General, Ahmedabad, and against his order to higher authority. With such averment in the reply of the respondents, we do not find the contents of the rejoinder to be acceptable. Moreover, in the said CCS(CCA) Rules, Rule 23 (e)(ii) figures specific mention of such order being appealable.

5. We find that the impugned order is appealable to higher Departmental Authority. The appeal has not been filed by the applicant. With the applicant not having exhausted the remedies provided under section 20 of the Administrative Tribunals Act, 1985, the application at this juncture cannot be maintained. We hereby reject the same.


(S. Santhana Krishnan)
Judicial Member


(M.M. Singh)
Admn. Member

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Office of the Supdt. of Post Offices,
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(S. Santhana Krishnan)
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