

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.237 OF 1991

Cuttack, this the 2nd day of Aug, 1995

Uttam Kumar Budhia ... Applicant

Vrs.

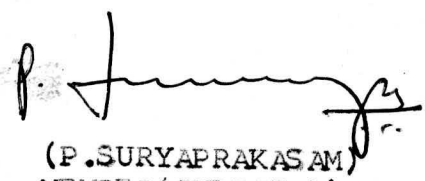
Union of India and others ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

02 AUG 95


(P. SURYAPRAKASAM)
MEMBER (JUDICIAL)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 237 OF 1991
Cuttack, this the 22nd day of Aug, 1995

CORAM:

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)
AND
HON'BLE SHRI P. SURYAPRAKASAM, MEMBER (JUDICIAL)

...

Uttam Kumar Budhia,
son of Ananta Charan Budhia,
of village-Kamarda,
P.O-Kamarda, Via-Narla, Dist. Kalahandi ... Applicant

By the Advocates - Smt. Meera Das &
Mr. M. Mohanty

-versus-

- A) Union of India
through the Secretary,
Government of India,
Department of Post,
New Delhi.
- B) Superintendent of Post Offices,
Bolangir Division,
At/P.O-Bolangir,
Dist. Bolangir.
- C) Superintendent of Post & Telegraph,
Bhawanipatna, At/P.O-Bhawanipatna,
Dist. Kalahandi.
- D) Enquiry Officer-cum-Assistant
Superintendent of POS (HQR),
Kalahandi Division,
Bhawanipatna,
At/P.O-Bhawanipatna,
Dist. Kalahandi Respondents.

By the Advocate - Mr. A.K. Misra.

...

O R D E R

P.SURYAPRAKASAM, MEMBER (JUDL.)

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The applicant was appointed as E.D.B.P.M., Kamarda, on 3.1.1986. The S.D.I.(P), Kesinga (Respondent E) paid a visit to the Branch Post Office and found some irregularities, and on that basis, a chargesheet dated 27.2.1989, which has been annexed as Annexure-3, was issued. Consequently a departmental proceeding was initiated against the applicant under Rule 8 of P. & T. E.D. Agents (C&S) Rules, 1964 and the Inquiring Officer submitted the inquiry report on 18.7.1990. Subsequently on 31.8.1990 under Annexure-8 the disciplinary authority, the Superintendent of Post Offices, Kalahandi Division (Respondent C) passed the impugned order imposing the punishment of removal from service with immediate effect. The applicant has challenged the same and sought the reliefs of quashing Annexure-8 and allowing him the full salary from the date of his put off duty, viz. 21.10.1988 till the date of his re-appointment.

2. The Respondents have stated that the disciplinary authority has gone into the matter in detail and came to the conclusion rightly and passed the impugned order of removal from service. The applicant has not challenged the authority of the disciplinary authority to pass the said punishment.

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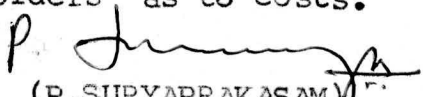
3. The applicant has challenged the order passed in Annexure-8 on various grounds. But, however, the Respondents have submitted in paragraph 6 of their counter as follows :

"The petitioner has not preferred any appeal addressed to Director Postal Services, Berhampur through the Respondent No-C or direct, who is competent appellate authority."

This has not been challenged by the applicant seriously. The applicant himself admits that he has not exhausted the statutory remedy of preferring an appeal against the order passed by Respondent No.C.

4. Without going into the merits of the case, we find that this Tribunal should not be treated as a first appellate authority with regard to these matters. Since a statutory appeal has been provided, it is not correct for the applicant to approach the Tribunal without exhausting the remedy of preferring an appeal against the order passed by the disciplinary authority. Therefore, we permit the applicant to prefer an appeal to the Director of Postal Services as mentioned in the counter, within four weeks from the date of this order and direct the Director of Postal Services to dispose of the same within eight weeks from the date of receipt of the appeal by him, preferred by the applicant. With this, the Original Application is disposed of. There will be no orders as to costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)


(P. SURYAPRAKASAM)
MEMBER (JUDICIAL)

02 Aug 95

A. Nayak, P.S.