

D/6 (5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 20.9.96

OA 270/96

Bhagwan Dass Sadh, Ex Postal Assistant, Nokha.

... Applicant

Versus

1. Union of India through the Secretary, Ministry of Post & Telegraph, Door Sanchar Bhawan, New Delhi.
2. Post Master General (Rajasthan), Western Region, Jodhpur.
3. Supdt. (Post Offices) Head Post Office, Bikaner.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. S.C.VAISH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Y.K.Sharma

For the Respondents

... Mr. Vineet Nathur

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Bhagwan Dass Sadh, in this application u/s 19 of the Administrative Tribunals Act, 1985, has sought a direction to the respondents to consider the appeal, at Ann.A-1, and pass a reasoned order thereon.

2. We have heard the learned counsel for the parties and have carefully perused the records of the case. The counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. The facts giving rise to this application are that while working as Postal Assistant at Nokha, in the District of Bikaner, a case u/s 182 of the Indian Penal Code was registered against the applicant. After the trial of the case, the applicant was convicted for the offence u/s 182 of the Indian Penal Code but he was given the benefit of the Probation of Offenders Act 1958 and released thereunder. However, the disciplinary authority imposed upon him the punishment of compulsory retirement due to his conduct which had led to his conviction. Thereafter, the applicant made an appeal to the Post Master General, Jodhpur, vide Ann.A-1, against the penalty imposed upon him by the disciplinary authority. The learned counsel for the respondents has stated that the appeal has not been preferred before a proper authority as it ought to have been addressed to the Director Postal Services.

Cpishre 4. In the circumstances, we direct the applicant to present a fresh appeal

to the appropriate appellate authority within a month of this order and the appellate authority may decide the same within four months from the date of its receipt through a detailed speaking order. The OA is allowed accordingly. No order as to costs.

mm/19-9-96

(S.C.VAISH)

ADMINISTRATIVE MEMBER

C. K. R. N.
(GOPAL KRISHNA)

VICE CHAIRMAN

VK