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(5)

CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

Date of order : 8.4.1996

O.A.No.58/1996

H.K.CHOHAN

Vs.

UNION OF INDIA & ORS.

..... Applicant

..... Respondents

...

Present

Mr.Vijay Mehta, Advocate, counsel for the applicant.

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CORAM :

THE HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

THE HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

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PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN :

Applicant H.K.Chouhan has moved this application under Section 19 of the Administrative Tribunals Act, 1985, and has challenged Annexure A-1 dated 14/16.9.94 by which a penalty of censure was imposed on him. He has challenged Annexure A-2 by which a show cause notice regarding enhancement of penalty already awarded to that of reduction of pay of Rs.1,420/- by three stages in the time scale of pay of Rs.975-1660 for a period of three years without cumulative effect was issued to him. He has further challenged the order dated 13.3.95 by which the penalty was enhanced to that of reduction in pay by three stages i.e. from Rs.1,420/- to Rs.1,330/- in the scale of Rs.975-1660 for a period of three years without cumulative effect as also the *Circular* communication dated 5.5.95 by which the applicant was


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informed that the appeal filed by him against the enhanced penalty imposed has been with-held by the Chief Post Master General, Rajasthan Circle, Jaipur as the same was not addressed to the proper authority.

2. We have heard the learned counsel for the applicant and have perused the records.

3. It is borne out by the record that the applicant's appeal against the enhanced penalty imposed by the order dated 13.3.95 at Annexure A-3 has not been considered by the Chief Post Master General, Rajasthan Circle, Jaipur as it has not been addressed to the proper authority as required under Rule 24 of the CCS(CCA) Rules, 1965.

4. We are of the view that if the Chief Post Master General, Rajasthan Circle, Jaipur is not the appropriate appellate authority, it is opened to him to transmit the appeal alongwith the annexures thereto to the appropriate appellate authority who is competent under the law to dispose of the same. We, accordingly dispose of this ~~CA writ~~ at the stage of admission with a direction to the respondent No. 5 to transmit the appeal alongwith the papers annexed thereto to the appropriate appellate authority for taking a decision thereon on merits. The entire exercise should be completed within a period of four months from the date of receipt of a copy of this order by the respondent No.5. Let a copy of the paper book be sent alongwith a copy of this order to respondent No.5.


(O.P. Sharma)
Member (A)


(Gopal Krishna)
Vice Chairman

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Part II and III destroyed
in my presence on 4/6/67
under the supervision of
section officer (1) as per
order dated 4/13/67

Section officer (Record)

12070 126,
dt 12/6/86
Red Carl
V. [Signature]
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