

**Central Administrative Tribunal
Jodhpur Bench, Jodhpur**

Original Application No. 252/2004
Date of Decision : This the **11th day** of October, 2004.

Hon'ble Mr. J.K. Kaushik, Judicial Member

Hon'ble Mr. G.R. Patwardhan, Administrative Member

Paras Mal Sankhla S/o Shri Shiv Ramji
Aged about 49 years, R/o 31 Vivekanand Nagar
Ramdev Road, Pali District Pali (Raj). Ex. Assistant
Superintendent of Post Offices (East), Sub Division
Jodhpur, District Jodhpur.

.....Applicant.

[By Mr. S.K. Malik, Advocate, for the applicant]

Versus

1. Union of India through the Secretary
Ministry of Communication,
Department of Posts, Dak Bhawan,
New Delhi.
2. Director Postal Services,
Rajasthan, Western Region,
Jodhpur, District Jodhpur (Rajasthan).

.....Respondents.



ORDER

[By J.K.Kaushik, Judicial Member]

Applicant, Paras Mal Sankhla, has filed this O.A. praying therein to quash the impugned order at Annex.A/1 dated 28.7.2004 whereby he has been imposed a penalty of dismissal from service with immediate effect. The applicant while holding the post of Assistant Superintendent of Post Offices, was faced with a criminal case which had been culminated into conviction of

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simple imprisonment for one and a half years and a fine of Rs. 1,000/-. The applicant was served a notice under Rule 19 (1) of the CCS (CCA) Rules, 1965 and thereafter, the disciplinary authority has passed the impugned order dated 28.7.2004 which is assailed before us.

2. The learned counsel for the applicant has touched the various facets of the case and has adduced that since the order of conviction passed by learned Trial Court has been suspended by Hon'ble the High Court in S.B.C.Writ Petition No. 271/2004, therefore, the impugned order ought not to have been passed. We made a very specific query to the learned counsel for applicant as to whether the applicant has availed the alternative remedy of filing an appeal as per the statutory provisions, it was replied that there seems to be no such statutory remedy available under the service rules. However, after perusing the relevant rules, he has submitted that applicant has not availed of the said remedy. He has further submitted that if this Bench of the Tribunal is of the opinion that applicant must avail the alternative remedy prior to taking recourse of this forum, then it may direct so but certain time may be fixed for deciding the appeal by the appellate authority.



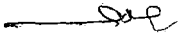
3. In view of what has been said and discussed above, we are of the considered opinion that the O.A. is ex facie premature and the same cannot be entertained as such. In this view of the matter, we dispose of this case by giving a liberty to the applicant

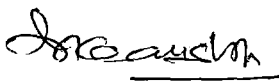
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to file an appeal before the appellate authority within a period of 45 days from today and the appellate authority shall decide the same on merits as expeditiously as possible – say within a period of three months after submission of appeal. The O.A. stands disposed of accordingly at the stage of admission itself without going into merits of the case.




[G.R.Patwardhan]
Administrative Member

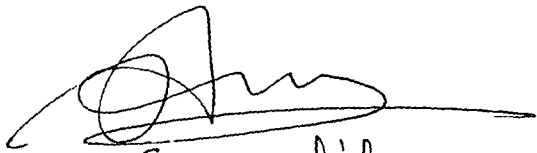

[J.K.Kaushik]
Judicial Member

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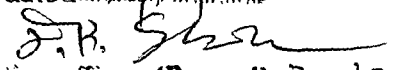
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S.K. Malik
Adv.

15/10/04

Part II and III destroyed
in my presence on 30/10/13
under the supervision of
section officer () as per
order dated 18/10/13


Section officer (Record) 30/10/2013