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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application no. 67/2008

Date of Judgement. 28.01.2009

Hon'ble Mr. N.D. Raghavan, Vice chairman.

Hon'ble Dr. R.C. Panda, Administrative Member.

Mangi Lal, s/o Shri Prem Chand, age 56 years by caste Meghwal & Resident of Maharaj-Ki-Khedi, Police Station Dabok, Udaipur, - Exptal Assistant Keroda Post Office.

: applicant.

Mr. Sandeep Shah: Counsel for the applicant.

VERSUS

1. Union of India, through the Secretary to the Government, Ministry of Communication (Department of Post), Sanchar Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan, Jaipur.
3. Director Postal Services, Rajasthan southern Region, Ajmer.
4. Sr. Superintendent of Post Office, Udaipur Division, Udaipur.

: Respondents.

Mr. M. Godara proxy counsel for

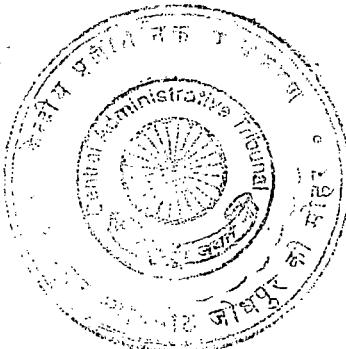
Mr. Vinit Mathur : Counsel for the respondents.

ORDER [ORAL]

Per Mr. N.D. Raghavan, Vice Chairman.

This O.A is filed by the applicant seeking the following reliefs:

- 8.1. By an appropriate order or direction, the impugned order dated 18.10.2006(Annex. A/1) may kindly be quashed and set aside.
- 8.2. the charge sheet issued to the applicant dated 01.09.2005 (annex. A/2) and further proceedings thereunder may kindly be quashed and set aside.
- 8.3. the applicant be reinstated on the post held by him along with all consequential benefit including full back wages and continuity in service.
- 8.4. any other appropriate relief which this Hon'ble Tribunal deems fit and proper in the facts of the case may kindly be passed in the favour of the applicant.



8.5. cost of the Original Application may kindly be awarded in the favour of applicant. !

2. The learned counsel for the applicant submits that he desires to withdraw this O.A. for the reason that the applicant's appeal is pending before the concerned 2nd respondent Appellate Authority and that therefore prays for a direction to dispose of such appeal at the earliest.

3. Learned proxy counsel for respondents 1 to 4 has no objection thereto.

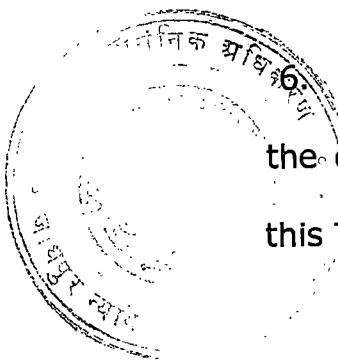
4. After hearing the learned counsel on both sides and going through the record, we find that at para 5.E of the O.A. the applicant himself states as below:

"That the non disposal of the appeal filed by the applicant by the respondent no. 2 is itself very arbitrary. Due to the non disposal of the above mentioned appeal, the applicant has been rendered remediless. In spite of the service of notice for early disposal, the applicant has not received any response from the respondent no. 2 which by itself shows the high handedness and the arbitrariness on the part of the respondent. Due to the non disposal of the appeal filed by the applicant, the applicant has been rendered remediless and has got no option but approach this Hon'ble Tribunal by way of filing the present original applicant. As such now the disposal of the appeal would be meaning less and futile as the respondent will be seriously prejudiced against the applicant."

5. Under these circumstances we grant the prayer of the applicant by rejecting this O.A as withdrawn with a direction to the concerned Appellate Authority, namely, the 2nd respondent, to dispose of the appeal of the applicant, which is stated to have been filed by the applicant on 26.03.2007 under Rule 23 of the CCS (CCA) Rules, 1965. As we are satisfied to give such a direction since the appeal seems to have been not yet disposed of since then



and until now, the second respondent is directed to dispose of the appeal if yet pending before him, as expeditiously as possible, not exceeding a maximum period of three months from the date of receipt of a copy of this order.



In any event, if the applicant would yet become aggrieved by the order to be passed in the appeal he is at liberty to approach this Tribunal through a fresh O.A, if he is so advised.

7. In the result, the O.A is dismissed as withdrawn with the aforesaid directions. No costs.

R.C. Panda
 [R.C. PANDA]
 Administrative Member.

Jsv.

N.D. Raghavan
 [N D RAGHAVAN]
 Vice Chairman.

H/C
Raja
For Sandesh Shah
Date

30/11/09

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OK

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

T/12

JODHPUR BENCH, JODHPUR

ORDER SHEET

MISC APPLICATION NO.....OF 2009 in OA NO 67/08

Applicant(s) 401 Sec 85

Respondent(s) Mangi Lal

Advocate for
Applicant(s) Mr Vinit Mathur

Advocate for
Respondent(s) Mr Sandeep Shah.

Notes of the Registry

This is misc application filed by the applicants through counsel Mr Vinit Mathur for modification of order dated 20.01.2009 passed in OA No. 67/2008. It is D.B. case and pertains to the jurisdiction of Jodhpur Bench.

Copy of the M.A. has already given to counsel for respondent Mr Sandeep Shah, Adv.

On scrutiny of the following defects:

- ① Under which Rule M.A. is filed not mentioned.
- ② Affidavit verification of PWD & date & place not mentioned.
- ③ At page 6, identification properly not made.
- ④ Annexure not marked on. Copy of order and also not attested.
- ⑤ In Index details of order not mentioned.

No. 67/08
14/5/09

(S)

05/09

S.O. (S) 14/5/09 14/5

D. No. 1365 of Exposed
18/5

DD

20/05/09

None present for the parties.

Defects has not yet been removed. List the case on 13/07/09. Meanwhile defects may be removed.

John W
Registrar

13/07/09

None present for the parties.

Defects has not yet been removed. Case adjourned to 31/07/09 for removing defects.

J
Registrar

31/07/09

None present for the parties.

Defects has not yet been removed. Case adjourned to 20/08/09 for removing defects.

J
Registrar

20/08/09

None present for the parties.

Defects has not yet been removed. Case adjourned to 16/09/09 for removing defects, as a last chance.

J
Registrar

DD
D. 20, 1205, no removed

DD
D. 20, 1205, no removed

John W
13/07/09

DD
D. 20, 1205, no removed

John W
14/09

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

ORDER SHEET

Misc. APPLICATION NO.....OF 1/2009

Applicant(s)

Respondent(s)

Advocate for

Advocate for

Applicant(s)

Respondent(s)

Notes of the Registry	Orders of the Tribunal
<p>16/09/09 Dated 16/09/09 not pronounced 26/10/09</p>	<p>16/09/09 Mr. M. Godara, proxy counsel for applicant. None present for respondents. In the interest of justice last and final opportunity is given to petitioner for removing the defects, lest case be posted before the Bench for appropriate orders for not removing the defects in time on 28/10/09.</p>
	<p>28/10/09 Mr. Colas on other proxy to Mr. Virendra Singh, present Mr. Virendra Singh proxy to Mr. Sandeep Singh, respondent. Negligible time MIA has been disposed by a separate order Upon V. K. KAPOOR ADMIN. MEMBER</p>

Dr. K. B. SURESH
Judicial Member

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**MA NO. 156/2009 in O.A. 67 of 2008
Jodhpur, this the 28th October, 2009.**

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CORAM :

**Hon'ble Dr. K.B.Suresh, Member (J)
Hon'ble Mr. V.K. Kapoor, Member (A)**

- 1- Union of India through the Secretary, Ministry of Communication, Department of Posts, Sanchar Bhawan, New Delhi.
- 2- Chief Post Master General, Rajasthan, Jaipur.
- 3- Director Postal Service, Rajasthan Southern Region, Ajmer.
- 4- Sr. Superintendent of Post Office, Udaipur Division, Udaipur.

[By Advocate : Mr. Lokesh Mathur for Mr. Vineet Mathur]

.....**Applicants.**

-Versus-

Mangi Lal S/o Shri Prem Chand aged about 57 years, by caste Meghwal, resident of Maharaj Ki Khedi, Police Station Dhabok, Udaipur, Ex., Postal Assistant Keroda Post Office.

.....**Respondent.**

(By Advocate :Mr. Vivek Shah for Mr. Sandeep Shah)

**: O R D E R : (Oral)
[Per Dr. K.B.Suresh]**

The defects pointed-out in this MA may be overlooked.
The Registry may register the MA right now.

- 2- Heard the parties counsel.
- 3- The respondents' in the OA had approached this Court for modification of the order passed in OA No. 67 of 2008 passed on 28th January, 2009 to the effect that the order had directed that the appeal may be heard by the Chief Post Master General, Jaipur, but, the applicants in MA now informed us that the competent authority, who may decide the appeal of the applicant, is the Post Master General, Southern Region, Ajmer. In view of this, the respondent in the MA - (Mangi Lal) is now permitted to file a fresh Appeal before the Post Master General,

K.B.Suresh *V.K.Kapoor*

Southern Region, Ajmer, who shall dispose of the said appeal within a specified period.

4- In the result, the order in question is modified to the effect that "in view of the submissions made in the case, the appeal which the applicant will make afresh, shall be decided by the Post Master General, Southern Region, Ajmer, as expeditiously as possible, not exceeding a maximum period of three months from the date of receipt of a copy of this order".

5- MA stands disposed of accordingly.

V.K.Kapoor
(V.K.Kapoor)
Member(A)

Dr.K.B.Suresh
(Dr.K.B.Suresh)
Member (J)

jrm

RCC
S-1109
6/11/09
for - Sandeep Mal
Ser

Part II and III destroyed
In my presence on 7/7/10
under the supervision of
section officer () as per
order dated 07/07/2015

Section officer (Record)