

**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.

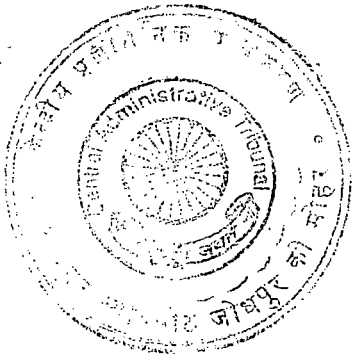
Mr. M. Godara proxy counsel for  
Mr. Vinit Mathur : Counsel for the respondents.

**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.



*[Signature]*

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

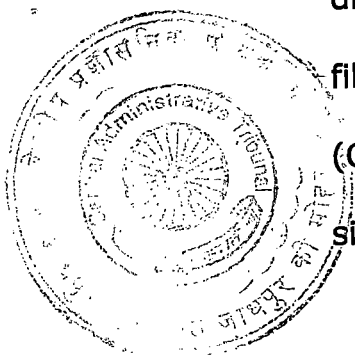
2. The learned counsel for the applicant submits that he desires to withdraw this O.A. for the reason that the applicant's appeal is pending before the concerned 2<sup>nd</sup> respondent Appellate Authority and that therefore prays for a direction to dispose of such appeal at the earliest.

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."

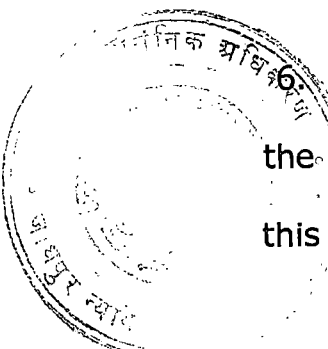
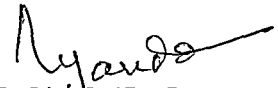
5. Under these circumstances we grant the prayer of the applicant by rejecting this O.A as withdrawn with a direction to the concerned Appellate Authority, namely, the 2<sup>nd</sup> respondent, to dispose of the appeal of the applicant, which is stated to have been filed by the applicant on 26.03.2007 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 ]  
Administrative Member.

Jsv.

  
[ N.D. RAGHAVAN ]  
Vice Chairman.

R/C  
Prison  
For Gender Chief  
Det  

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30/1/09

3/2  
OK

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL I/12

JODHPUR BENCH, JODHPUR

## ORDER SHEET

Misc APPLICATION NO.....OF 2009 IN OA NO 67/08

Applicant(s) 401 Secs

Respondent(s) Mangi Lal

Advocate for Applicant(s) Mr Vinit Mathur

Advocate for Respondent(s) Mr Sandeep Shah.

Notes of the Registry	Orders of the Tribunal
<p>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.</p> <p>Copy of the M.A has already given to Counsel for Respondent Mr Sandeep Shah, Adv.</p> <p>On scrutiny it has following defects.</p> <ol style="list-style-type: none"> <li>① Under which Rule M.A. is filed not mentioned.</li> <li>② At Page 1, Verification at PNO date &amp; place not mentioned.</li> <li>③ At Page 6, Identification properly not made.</li> <li>④ Annexure not marked on. Copy of order and also not attested.</li> <li>⑤ In Index details of order not mentioned.</li> </ol> <p>Noted on 14/5/09</p> <p>S.O. (J) 14/5/09 14/5</p> <p>D. No. 1405. n of removed 18/5</p>	

111

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.

*[Signature]*  
Registrar

D. No. 1205, not removed

*[Signature]*  
11/8

13/07/09

None present for the parties.

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

*[Signature]*  
Registrar

31/07/09

None present for the parties.

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

*[Signature]*  
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.

*[Signature]*  
Registrar

D. No. 1205, not removed

*[Signature]*  
13/8

D. No. 1205, not removed

*[Signature]*  
14/8

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

## ORDER SHEET

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

Applicant(s)

Respondent(s)

Advocate for

Advocate for

Applicant(s)

Respondent(s)

Notes of the Registry

Orders of the Tribunal

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.

~~Dono, 1/10/08~~  
not

Dono, 1/10/08  
not

26/10

Registrar

28/10/09

Mr. C. S. Chohan on other party to  
Mr. Vineel Chohan, to applicants, present.  
Mr. Vineel Chohan proxy to Mr. Sandeep  
Chohan, to respondents.

Register the M.A.

M.A. has been disposed-

by a separate order.

upon

V. K. KAPOOR  
ADMIN. MEMBER

Dr. K. B. SURESH  
Judicial Member

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH**

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

.....  
**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 28<sup>th</sup> 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*

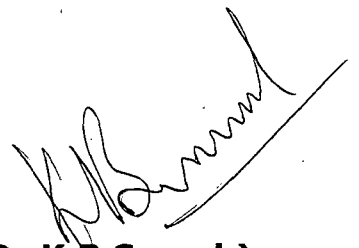


Southern Region, Ajmer, who shall dispose of the said appeal within a specified period.

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)  
Member(A)

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

jrm

RIC  
6/11/09  
for - Sanceep Singh  
ASR

Part II and III destroyed  
in my presence on 27/7/10  
under the supervision of  
section officer ( ) as per  
order dated 27/07/2015

Section officer (Record)

45/11