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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O.A. No. 143/2011 with MA 89/2011

Jodhpur this the 14th day of February, 2012.

CORAM

**Hon'ble Mr.Justice Kailash Chandra Joshi, Member (J) and
Hon'ble Ms. Meenakshi Hooja, Member (A)**

Chandra Singh Kothari S/o Shri Roshan Singh
R/o 60, E-3 Bapu Nagar, Senthil
Chittorgarh

.....Applicant

(Through Advocate Mr. Vijay Mehta)

Versus

1. Union of India through the Secretary
Ministry of Communication, (Dept. of Posts)
Sanchar Bhawan, New Delhi
2. Superintendent of Post Offices, Chittorgarh
3. Director Postal Services Southern Region
Rajasthan, Ajmer
4. Post Master General, Southern Region
Rajasthan, Ajmer

....Respondents

(Through Advocate Mr Mrigraj Singh alongwith Mr Vinit Mathur)

ORDER (Oral)

Per Justice Kailash Chandra Joshi, Member (J)

The application has been filed by Shri Chandra Singh Kothari under Section 19 of the Administrative Tribunal Act, 1985.

The sole question involved in the application is that a chargesheet was issued by the Superintendent of Post Offices and the order of the punishment was passed by the Director, Postal Services, Ajmer.

It has been averred in the application that chargesheet was issued by the Superintendent of Post Offices and the impugned order Annex. A/1 was passed by the Director, Postal Services, Ajmer are illegal and the impugned order is also without jurisdiction and penalty imposed with retrospective effect is on extraneous material.

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By way of this application has prayed for the following relief(s):

"The applicant prays that order ANNA 1 dated 19/5/2009 may kindly be quashed and the respondents may kindly be directed to release the withheld amount and not paid to the applicant due to the imposition of the said penalty. Any other order, as deemed fit, giving relief to the applicant may also be passed. Costs may also be awarded to the applicant"

2. By way of reply the respondents No. 1 to 3 denied the incompetency of the concerned authority to award the punishment and it has been specifically pleaded that as the applicant was of the BCR PA cadre, and at that time, the appointing authority of that cadre was Director Postal Services, therefore, punishment was awarded by Director Postal Services and this punishment is legal one.

3. We have heard both the parties and also pondered over the contentions raised by both the counsels. It is admitted fact that the order of the punishment was passed on 19.5.2009 and a notice was issued on 8.7.2009 [A/2] by the Postmaster General to enhance the punishment and the reply of the same has been filed by the applicant but this notice was not further proceeded looking into the fact that applicant had tendered unconditional apology.

4. The counsel for the applicant contended that he has received Annex. A/2, therefore, applicant could not prefer the appeal to the competent authority within 45 days.

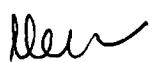
5. Per contra learned counsel for the respondents contended that notice was issued after the lapse of 45 days, a time period prescribed for preferring an appeal, therefore, the applicant could

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file the appeal within the time limit. Be that so but it is an admitted position that no action has been taken on Annex. A/2 notice.

6. Looking into the entire facts and circumstances of the case, we deem it fit to dispose off the OA with the direction that applicant can file an appeal now within 10 days of the receipt of this order and respondent shall treat this appeal within the limitation and shall further decide the appeal of the applicant within three months from the filing of the appeal. The applicant shall be at liberty to approach this Tribunal for the redressal of his grievances if any subsists after disposal of the appeal filed by the applicant, by the competent authority.

With these observations, OA is disposed off with no order as to costs.



(MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(JUSTICE K.C. JOSHI)
JUDICIAL MEMBER

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