

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 96/2000.

Friday the 28th day of January, 2000.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR J.L.NEGI, ADMINISTRATIVE MEMBER

K.Suresh Kumar
S/o Krishnapillai
Driver, Mail Motor Service
Trivandrum-23, residing at
Karthika, TC 41/1696
Manarcaud, Trivandrum.

...Applicant.

(By advocate Mr G.Sasidharan Chempazhanthiyil)

Versus

1. Senior Supdt. of Post Offices
North Postal Division
Trivandrum.
2. Director of Postal Service
Headquarters,
Office of the Chief Postmaster General
Trivandrum.
3. Chief Postmaster General
Kerala Circle, Trivandrum.
4. Union of India rep. by its Secretary
Ministry of Communication, New Delhi. ..Respondents.

(By advocate Mr. K.R.Rajkumar)

The application having been heard on 28th January, 2000, the Tribunal on the same day delivered the following:

O R D E R

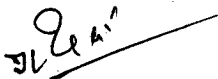
HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

This application is directed against order dated 31.12.99 (Annexure A5) by which a penalty of recovery of a sum of Rs.3010/- from the pay and allowances of the applicant in 29 instalments has been awarded on the applicant after giving him a notice under rule 16 of the CCS (CCA) Rules. The applicant has filed an appeal against this order on 17.1.2000.

Immediately thereafter this application has been presented on 27th January 2000 seeking to have the impugned order A5 set aside. Learned counsel of the applicant states that as the respondents would make recovery from the pay and allowances of the applicant from the ensuing month, the application has to be admitted and adjudicated.

2. We find no reason to admit the application. The applicant has filed an appeal. Having filed an appeal, he should have waited for six months' time before approaching the Tribunal. There is no extra ordinary circumstance warranting admission of the application before the applicant availing statutory departmental remedies. The application being premature is rejected under section 19 (3) of the Administrative Tribunals Act.

Dated 28th January, 2000.



J.L.NEGI
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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Annexure referred to in this order:

A-5: True copy of the order No.G/MMS/Accident dated 31.12.99 issued by the first respondent.