

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Original Application No.433 of 2003.
this the day of 09-09-2003.

HON'BLE MR. S.K. AGRAWAL, MEMBER (A).
HON'BLE SMT. MEERA CHHIBBER, MEMBER (J).

Mahesh Narain Shukla aged about 47 years,
Son of Ram Kripal Shukla, Postal
Assistant new Hyderabad, Post Office,
Lucknow.

... Applicant.
by Advocate:-Sri R.S.Gupta.

VERsus.

Union of India through the Secretary,
Department of Post Dak Bhawan,
New Delhi.

2. Director of Postal Services Office of,
Chief Postmaster General, U.P.,
Lucknow.

3. Senior Superintendent of Post Offices,
Lucknow.

... Respondents.

By Advocate:-Sri G.S. Sikarwar.



...2...

O R D E R (ORAL)

BY SMT. MEERA CHHIBBER, MEMBER (J).

By this Original Application the applicant has prayed for quashing of the order dated 18.08.2002 (Annexure-1) and to refund the amount if any, recovered from the pay of the applicant. Counsel for respondents has taken preliminary objection that the O.A. is not maintainable as applicant had filed an appeal on 25.08.2003 and without waiting for the out-come of his appeal he has filed this O.A.No. 03.09.2003.

2. We have heard the arguments of both the counsel. Counsel for applicant submitted that he can approach this Tribunal even without waiting for the out-come of his appeal. He submitted that an interim order be passed against the order dated 18.08.2002 which has been passed in violation of natural justice.

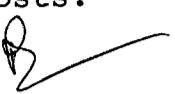
3. We are of the opinion that since applicant has already filed an appeal on 25.08.2003, he must wait for the out-come of said appeal . Respondents have to be given some reasonable time to decide the same. Applicant should ~~not~~ have rushed to the Court within 8/9 days after filing the appeal. This O.A. is pre-mature at this stage therefore the same is dismissed with liberty to the applicant to

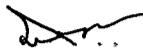
...3...



:: 3 ::

come to ~~to~~ the Tribunal at appropriate state. No order as
to costs.


MEMBER (J)


MEMBER (A).

Dated:-09-09-2003.
Lucknow.
Amit/-