THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

Original Application No.614/2005
This the 22nd day of December 2005

HON'BLE SHRI JUSTICE M.A. KHAN, VICE-CHAIRMAN
HON'BLE SHRI S.P. ARYA, MEMBER (A)

Mewa Lal Dixit, aged about 51 years, son of Mohan Lal Dixit, resident of 274/05, Avas Vikash Calony, Unnao.

...Applicant.

By Advocate: Shri P.K. Singh.

Versus.

1. Union of India, through the Secretary, Ministry of Postal, New Delhi.
2. Director Postal Services, O/o C.P.M.G., U.P. Circle, Lucknow.
3. Superintendent of Post Offices, Division Kanpur (M), Kanpur.

...Respondents.

By Advocate: Shri. A.P. Usmani.

ORDER (Oral)

BY HON'BLE SHRI JUSTICE M.A. KHAN, VICE-CHAIRMAN

1. The applicant has filed this O.A. for quashing of the order of Disciplinary proceedings in which the penalty of recovery of Rs.38827/- has been imposed upon the applicant. The recovery is being made in 35 installments at the rate of Rs.1078 per month. The applicant has filed this O.A. challenging the order of the Disciplinary Authority but it is stated by the counsel for the applicant that applicant has preferred an appeal against the said order and the same has not been decided. It is further stated that previously, the

applicant had filed an O.A.No.419/2005 which was disposed off by giving the following orders:-

> "In view of the above, we find it expedient and in the interest of justice to direct respondent No.2 to decide the appeal within a period of 3 months from the date of communication of this order with a copy of Appeal and also to pass orders with regards to the stay of the operation of the order appealed against during the pendency of the appeal"

2. The said order has not been complied-with by the respondents. Neither the appeal has been decided nor the recovery has been stayed and the respondents were continuing to recover the said amount form the salary of the applicant every month in monthly installments.

3. The appeal has been filed before the Appellate Authority on 02.08.2005 which is still pending. The applicant did not wait for six months from the date of filing the appeal and has filed the O.A.. The O.A. is pre-mature. However, it is seen that the applicant is aggrieved that the Appellate Authority has not decided the request of interim stay of the amount till the pendency of the appeal. We are of the view that it is not necessary to call for any Counter-reply from the respondents since the appeal is pending. Accordingly, we dispose off this O.A. with the direction to the respondents that till the appeal is decided, the respondents will not recover the amount of penalty imposed by order

dated 21.7.2005. However, it is open to the applicant to approach the Tribunal afresh for redressal of this grievance after the appeal is decided in accordance with law.

4. The O.A. stand disposed of with no order as to costs.

(S.P. ARYA)
MEMBER (A)

(M.A. KHAN)
VICE CHAIRMAN

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