

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

ORIGINAL APPLICATION NO:419 OF 2005.

THIS THE 30th DAY OF AUGUST, 2005

HON'BLE SHRI S.P. ARYA MEMBER (A)

HON'BLE SHRI M.L. SAHNI MEMBER (J)

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

Applicant.

By Advocate: Shri Praneet Sharma

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 Prashant Kumar for Shri Yogesh Kesharwami..

ORDER

BY HON'BLE SHRI S.P. ARYA, MEMBER(A)


Applicant by this O.A. seeks for quashing the order imposing the penalty of recovery of 38827/- in 35 installments (Annexure No.1) and also for issue of direction to respondent No.2 for deciding the appeal within stipulated period of time.

2. We have heard counsel for the parties and perused the records on file.

3. A penalty of recovery of Rs. 38827/- in 35 installments @ 1078/- P.M. was imposed by respondent No. 3 by order dated 21.7.2005. Statutory appeal is provided against such punishment. Appeal has been filed before the Respondent No.2 on 2.8.2005 which is still pending. The applicant did not wait for six months from the date of filing the appeal and has filed this O.A. on 24.8.2005. The O.A. is pre-mature. The departmental remedy has not yet been exhausted.

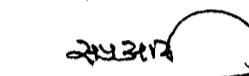
4. In view of the above facts, we find it expedient and in the interest of justice to direct ~~the~~ [✓] respondent No.2 to decide the appeal within a period of 3 months from the date of communication of this order with a copy of Appeal and also to pass orders with regards to the stay of the operation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

5. With these directions, O.A. is disposed of without any order as to costs.


(M.L.Sahni)

Member (J)

HLS/-



(S.P.Arya)

Member (A)