

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 363/2006

this the 23rd day of August, 2006.

Hon'ble Shri N.D.Dayal, Member (A)

Hon'ble Shri M. Kanthaiah, Member (J)

Tika Ram Adim aged about 45 years Ex. GDS, BPM, Baniamau, District-Sitapur.

...Applicant

By Advocate: Shri R.S.Gupta

Versus

1. Union of India through Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Director Postal Services/ Chief Postmaster General, U.P. Lucknow.
3. Superintendent of Post Offices, Sitapur.
4. Sri A.K. Srivastava, S.P.Os, Sitapur.
5. Sri S.N. Dubey, Ex. A.S.P.Os (N), Sitapur.

...Respondents

By Advocate: Shri G.K.Singh

ORDER (ORAL)

BY HON'BLE SHRI N.D. DAYAL, MEMBER (A)

Heard counsel for both the parties.

Learned counsel for the applicants submits that by the order dated 27.6.2005, applicant has been removed from service based upon charges as contained in the Charge Sheet at Annexure No. 2. Applicant is aggrieved that even though he has submitted an appeal against the order of removal passed by the Superintendent of Pos Offices, Sitapur Divison on 11.8.2005, however, decision on the same has not been communicated to applicant.

3. Learned counsel for the respondents submitted that he has no instructions on the matter as of today.

4. It is not disputed that in terms of statutory provisions, the applicant is entitled to prefer an appeal in accordance with rules and appellate

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authority is, therefore, required to take a decision on the same in accordance with rules, keeping in view the fact that it is invariably necessary that alternative departmental remedy is exhausted first before the applicant approaches the Tribunal in terms of the relevant provision of AT Act, 1985, ^{it} ~~it~~ would be proper if appeal preferred by the applicant should be considered by the appellate authority and decision taken thereon be communicated to the applicant within a stipulated period of time.

5. The applicant prayed that the grounds taken in the Original Application may also be kept in view by the appellate authority while deciding the appeal already preferred by him. It is felt that no prejudice would be caused to respondents in keeping in view the various issues raised in the Original Application and treat them as a part of the appeal.

6. In this view of the matter, the respondent, particularly respondent No. 2 is directed to consider the appeal preferred by the applicant keeping in view the various issues raised in the Original Application and treat them as a part of the appeal and dispose of the same ^{on merits} within a period of three months from the date of receipt of copy of this order and inform the result thereof to the applicant.

7. The O.A. is disposed of as above. No costs.


Member (J)

HLS/-

23.8.06


Member (A)