

**Central Administrative Tribunal Lucknow Bench Lucknow**

**O.A. 286/2009**

This, the 15th day of July, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (Judicial)**

**Hon'ble Dr. A. K. Mishra, Member (Administrative)**

Nirmal Kumar, aged about 45 years, son of Sri Jawahar Lal, Resident of Village Fattepur, P.S. Maigal Ganj, District-Kdheri.

Applicant.

By Advocate Sri L.M. Khare.

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Post, Government of India, New Delhi.
2. Director Postal Services, Kheri Region, District-Kheri.
3. Superintendent of Post Office Kheri, Division Kheri, District-Kheri.
4. Assistant Superintendent of Post Office South sub-region Kheri, District-Keri.

Respondents.

By Advocate Sri K.K. Shukla for Dr. Neelam Shukla.

Order (Oral)

**By Ms. Sadhna Srivastava, M(J)**

The applicant is aggrieved by order dated 26.9.2007 passed by Superintendent of Post Office Kheri whereby, the applicant was dismissed after disciplinary proceedings held under Section 10(1) (a) and 10(1) (b) of the GDS(Conduct and Employment ) Rules 2001. Admittedly, the applicant did not file any appeal against the aforesaid order. Sir K.K. Shukla holding brief of Dr. Neelam shukla has accepted notice on behalf of the respondents and raises the preliminary objection that this O.A. is barred by time. He further prayed that the applicant has not exhausted the departmental remedy available to him. The applicant has prayed for quashing of order dated 26<sup>th</sup> September, 2007 and the instant O.A. has been filed in the year 2009.



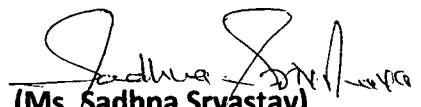
2. Heard the counsel for the parties. Admittedly, no appeal has been filed by the applicant. At this stage, we are of the view that O.A. can be disposed of at the admission stated itself by giving the direction to the applicant to prefer an appeal under rules.

3. Accordingly the O.A. is disposed off. The applicant is granted liberty to file an appeal before the appellate authority within a period of three weeks. Thereafter, the same shall be considered and decided by the appellate authority by reasoned and speaking order in accordance with rules within a period of three months from the date of receipt of appeal. It is also clear that appellate authority shall not reject the appeal on the ground of limitation. No

costs.

  
(Dr. A. K. Mishra)

Member (A)

  
(Ms. Sadhna Srivastav)

Member (J)

v.