

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
O.A. No. 422/05
LUCKNOW, THIS THE 19th day of December, 2005

HON'BLE SHRI JUSTICE M.A. KHAN, V.C.
HON'BLE MR. S.P. ARYA, MEMBER (A)

Bhagwan deen aged about 61 years, son of late Sri Avadhesh resident of village Heerpur, Post Chaurasia, Tehsil Sidhaul, District Sitapur.

Applicant.

By Advocate Shri A.K. Dixit.

Vs.

1. Union of India through Secretary to Govt. of India, Deptt. of Posts, Sanchar Bhawan, New Delhi.
2. Chief Post Master General, U.P. Circle, (Parimandal Karyalaya), Lucknow.
3. Director, Postal Services, U.P. Circle, Office of Chief Post Mater General, U.P. Circle, Lucknow.
4. Superintendent of Post Offices, Sitapur Division, Sitapur.
5. Inspector of Post Offices (Central Sub Division) Sitapur.

Respondents

By Advocate Shri S.P. Singh for Shri G.K. Singh.

Order(oral)

By Hon. Shri Justice M.A. Khan, V.C.

The applicant is working as Gramin Dak Sewak with the respondent Department. The applicant was served with a charge memo for minor penalty and in the disciplinary proceedings, after charges were proved, penalty of recovery imposed a recovery of Rs. 1000/- was imposed on the applicant vide order dated 13.4.05 (Annexure A-4). The applicant was put off duty for some times in view of pendency of departmental proceedings. The applicant did not challenge the penalty order before the appellate authority. Thereafter a show cause notice dated 8.8.05 was served on the applicant by the Superintendent of Post Office, Sitapur Division on the applicant for showing cause as to why penalty be not reviewed and he should not be dismissed from service, as the penalty imposed was not commensurate with the gravity of proven charges. The applicant has

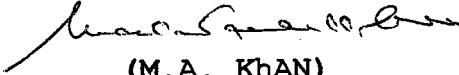


filed this O.A. challenging the show cause notice. He did not file reply to the show cause notice.

2. In the mean time the applicant has also asked the Superintendent of Post offices to supply a copy of the letter dated 1.7.05, which was referred in show cause notice, and on the basis of which which review proceedings were undertaken by him. The Superintendent of Post Offices has since rejected this request by letter dated 12.8.05 (Annexure A-2).

3. At the time of hearing the learned counsel for respondents agrees to supply copy of the letter dated 1.7.05 received from Circle Office, Lucknow, which is the basis for ~~sententia~~ disciplinary proceedings, to the applicant within one week from today. The learned counsel for the applicant has stated that on receipt of copy of the said letter, the applicant will file reply to the show cause notice dated 8.8.05 before the Superintendent of Post offices, Sitapur Division, Sitapur within two weeks. After reply to the aforesaid show cause notice is received, the respondents shall take a decision on the show cause notice within a period of 4 weeks from the date on which the reply to the show cause notice is received by the authorities. It is also submitted and we are also inclined to agree that the respondents shall not give effect to whatever decision is taken on the show cause notice, if adverse to the applicant, for about 4 weeks from the date of decision to enable the applicant to seek his remedy against the said decision if necessary, in accordance with law. We order accordingly. The O.A. stands disposed of. No costs.


(S.P. ARYA)
A.M.


(M.A. KHAN)
V.C.