

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 256 of 2000

Dated this Monday, the 10th day of April, 2000.

CORAM : Hon'ble Shri Justice R.G. Vaidyanatha, Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

Suresh Ganpat Shetye,  
Sub-Post Master at  
Panchwati Post Office,  
Nasik - 422 003.

... Applicant.

(By Advocate Shri V. M. Bendre)

VERSUS

1. Union of India through  
The Chief Postmaster General,  
Office of Chief Postmaster General,  
Near Chhatrapati Shivaji Terminus,  
Head Postoffice, Mumbai.
2. Post Master General,  
Aurangabad Region,  
Aurangabad.
3. Senior Superintendent of Post Offices,  
Nasik Division, Nasik - 422 001. ... Respondents.

(None for the respondents).

OPEN COURT ORDER

PER : Shri R. G. Vaidyanatha, Vice-Chairman.

This is an application filed by the applicant challenging the order of the Disciplinary Authority dated 31.01.2000 imposing the penalty of recovery of loss sustained by the Government. We have heard the Learned Counsel for the applicant regarding admission.

2. Against the impugned order of penalty dated 31.01.2000 the applicant has a remedy of statutory appeal before the higher


...2



authority. Section 20 of the Administrative Tribunals Act clearly provides that ordinarily a Tribunal should not entertain an application unless the applicant has exhausted the statutory remedy. It is not even a case of mere representation. But here, a statutory appeal is provided. We do not find any exceptional ground to deviate from the normal rule. The normal rule is that one has to exhaust the statutory remedy before approaching this Tribunal. Hence, in the circumstances of the case, we are not inclined to admit the application at this stage.

3. It is noticed that the applicant has not filed an appeal and the appeal period is also over. Now, since we are not entertaining the application at this stage, we give liberty to the applicant to file an appeal against the impugned order within four weeks from the date of receipt of a copy of this order. The Appellate Authority shall accept the appeal without going into the question of limitation and decide the appeal according to law. In the circumstances of the case and having regard to the point involved, being a short point, we direct the Appellate Authority that if such an appeal is filed by the applicant within the time limit prescribed, he shall dispose of the same within a period of four months from the date of receipt of appeal memorandum.

4. In the result, the application is rejected at the admission stage subject to the above observations. No order as to costs.

  
(D.S. BAWEJA)  
MEMBER (A).

  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.