

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 710/97.

Date of Decision: MARCH 02, 1998.

T. G. Umredkar, _____ Applicant.

Shri C. B. Kale, _____ Advocate for
Applicant.

Versus

Union Of India & Others, _____ Respondent(s)

Shri S.S. Karkera for
Shri P. M. Pradhan, _____ Advocate for
Respondent(s)

CORAM:

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

Hon'ble Shri. P. P. Srivastava, Member (A).

(1) To be referred to the Reporter or not? *W*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *W*

Reported
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

OS*

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 710/97.

Dated this Monday, the 2nd day of March, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

T. G. Umredkar,
Postal Assistant,
F.M.O. Sec.,
Foreign Mails,
Mumbai - 400 001.

... Applicant.

(By Advocate Shri C.B. Kale)

VERSUS

1. Union Of India through
The Chief Post Master
General,
Maharashtra Circle,
Mumbai - 400 001.

2. The Postmaster General,
(Business Development &
Foreign Mails),
Videsh Dak Bhavan,
Mumbai - 400 001.

3. The Assistant Director,
Postal Services (I.M),
Foreign Mails,
Mumbai - 400 001.

... Respondents.

(By Advocate Shri S.S. Karkera
for Shri P. M. Pradhan)

: ORAL ORDER :

¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

In this application, the applicant is challenging the order passed by the Disciplinary Authority dated 22.04.1996. The applicant has not preferred any appeal against that order since there was a doubt about the Appellate Authority. The order was passed by the Postmaster General and therefore,

in the normal course, an appeal should lie to the General Postmaster General. However, in the communication dated 12.07.1996, the applicant was told to file an appeal before the Member Posts (Operations) Postal Services Board. But now, the respondents have filed the reply stating that the Chief Postmaster General is the proper Appellate Authority. The Learned Counsel for the applicant says that the applicant will prefer an appeal before the said authority.

Since the applicant has not exhausted his statutory right of appeal, the present O.A. is not maintainable. However, the applicant could not file the appeal in time since there was a dispute about the appellate authority, which is resolved today. Therefore, we feel that the applicant should be given reasonable time to file an appeal ^{before} the Competent Authority.

2. For the above reasons, the O.A. is disposed of at the admission stage with liberty to the applicant to prefer an appeal before the Chief Postmaster General, Maharashtra Circle, within 45 days from today. If the applicant prefers such an appeal within the time limit directed by this Tribunal, then the Chief Postmaster General shall dispose of the same on merits according to rules. If however, any adverse order is passed by the Appellate Authority, it is always open to the applicant to challenge the same according to law. In the circumstances of the case, there will be no order as to costs.

(P.P. SRIVASTAVA)
MEMBER (A).

Revised
(R.G. VAIDYANATHA)
VICE-CHAIRMAN.