

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 751/98 AND 757/98.

Dated this Friday, the 4th day of December, 1998.

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

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Smt. Charushila S. Sadvilkar,
Sorting Assistant
(On deputation to Postal
Life Insurance Section,
Mumbai G.P.O.)

Residing at -

7/77, Laxmi Chawl,
T. J. Road, Sewree,
Mumbai - 400 015.

(By Advocate Shri S.P. Kulkarni)

Applicant in
O.A. No. 751/98.

Pudhiram Jagannath Pal,
Sorting Assistant,
Mumbai Sorting Division,
G.P.O. Building, Fort,
Mumbai.

Residing at -

Arjun Yadav Chawl,
Jijamata Road,
Pump House,
Andheri (East),
Mumbai - 400 093.

(By Advocate Shri S. P. Kulkarni)

Applicant in
O.A. No. 757/98.

VERSUS

1. Union Of India through
The Sr. Superintendent of
R.M.S.,
Mumbai Sorting Division,
Near Phule Market,
Mumbai - 400 001.
2. The Chief Postmaster General,
Maharashtra Circle, II Floor,
Old G.P.O. Bldg., Near CST Rly.
Station, Fort, Mumbai.

3. The Postmaster General (M/M),
O/o. C.P.M.G.,
Maharashtra Circle,
Old G.P.O. Building,
Fort,
Mumbai - 400 001.

.. Respondents in
both the O.As.

4. The Assistant Post Master
General (PLI),
O/o. C.P.M.G., G.P.O. Bldg.,
Fort, Mumbai - 400 001.

.. Respondent No. 4 in
O.A. No. 751/98.

(By Advocate Shri V.S. Masurkar)

: OPEN COURT ORDER :

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

In both these cases, the applicants are challenging the notice of termination issued by the Competent Authority under Rule 5(1) of the C.C.S. (Temporary Service) Rules, 1965. The respondents have filed reply opposing the application. The pleadings are complete. At this stage, it is brought to our notice that the applicants have already preferred an appeal to the Postmaster General, which is dated 17/18.08.1998 against the termination notice. The Postmaster General has not yet passed any order on that representation. The applicants have a statutory remedy of making an appeal against the impugned order to the higher authority in the Postal Department. We feel, in the circumstances of the case, the matter should be left to the competent authority to decide the representation of the applicants according to law. Till such time, the applicants must be given some protection in the interest of justice.

2. In the result, the O.A. is disposed of at the admission stage. Liberty to the competent authority to consider the applicants' representation dated 17/18.8.1998 according to law. Since that representation is an appeal,

we also give liberty to the applicants to send one more detailed representation alongwith whatever documents he/she wants to submit, so that the competent authority can apply his mind and pass appropriate orders according to rules. Since the applicants are already continuing in service, the impugned termination notice shall not be given effect till the disposal of the representation by the Postmaster General and four weeks thereafter. Needless to say that if the applicants are aggrieved by any order that may be passed by the Postmaster General, ~~they~~ ^{he} can challenge the same according to law. The Postmaster General shall dispose of the present representation and any additional representation that may be given by the applicants within three months from the date of receipt of additional representation. All contentions on merits are left open of both sides. In the circumstances of the case, there will be no order as to costs.

(D. S. Baweja)
Member (A).

(R. G. Vaidyanatha)
Vice-Chairman.

os*