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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT JAIPUR
BENCH: JAIPUR.

C.A. NO. 609/94

Date of order: 3.1.1997

&
M.A. No. 364/96

Radhey Shyam Sharma : Applicant

Vs.

1. The Union of India through the Secretary, Communication (Postal) Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Sr. Supdt. of Post Offices, Kota Division, Kota.
4. Shri B.L.Verma,
A.S.P.Os., Jhalawar.

: Respondents

Mr. P.V.Calla, counsel for the applicant
Mr. M. Rafiq, counsel for the respondents

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

ORDER
(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this application under Section 19 of the Administrative Tribunals Act, 1985, Shri Radhey Shyam Sharma has prayed that the action of the respondents in holding enquiry against the applicant on the same charges on which a criminal case against the applicant is pending may be quashed and the order Annexure A-1 dated 6.10.1994 by which the application submitted was rejected by the applicant against holding of enquiry, may also be declared to be illegal. He has sought a further direction that the respondents may be restrained

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from proceeding further with the departmental proceedings.

2. Subsequent to the filing of the OA by the applicant the respondents have passed order dated 28.6.1996 imposing penalty of dismissal from service. (a copy of the order has been taken on record). The applicant has filed a Misc. Application seeking permission to amend the OA with a view to challenging the penalty order dated 28.6.1996 as well. The respondents in their reply to the Misc. Application have stated that an alternative remedy of appeal is available to the applicant and, therefore, he should exhaust that remedy first. They have accordingly opposed this Misc. Application being allowed.

3. We have heard the learned counsel for the parties. In the circumstances of the case, we direct that the applicant shall prefer an appeal against the penalty order dated 28.6.1996 to the Appellate Authority within a period of one month from today. The Appellate Authority shall not reject the appeal on the ground that it is time barred but shall dispose it of on merits within a period of four months from the date of receipt of the appeal. If the applicant is aggrieved by the order passed by the Appellate Authority, he shall be at liberty to file a fresh OA before the Tribunal.

4. With the above directions, the OA stands disposed of. The Misc. Application No. 364/96 seeking

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amendment of the OA also stands disposed of. No
order as to costs.


(PATAN BHATTACHARYA)

MEMBER (J)


(O.P.SHARMA)

MEMBER (A)