

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 06.02.2014

OA No. 291/00077/2014

Mr. P.N. Jatti, counsel for applicant.

Heard learned counsel for the applicant.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00077/2014

DATE OF ORDER: 06th February, 2014

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Hari Prasad Diwakar S/o D.P. Diwakar, by caste Diwakar, aged about 59 years, 11 months 3 days R/o 83, L.I.G. Quarter, Hari Bhan Vistar Youjna, Ajmer, presently P.A. H.M.T. Post Office, Ajmer.

...Applicant
Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Southern Region, Ajmer.
4. Shri S.D. Sekh, Senior Supdt. Post Offices, Ajmer Dn. Ajmer.
5. Shri Dinesh Sharma, the then Sr. Supdt. Post Offices, Kota Dn. Kota.

...Respondents

ORDER (Oral)

The applicant has filed this Original Application being aggrieved by the Notice dated 06.01.2014 (Annexure A/1) vide which the Disciplinary Authority has issued a dissenting note against the applicant on the inquiry report. The applicant has been given 15 days' time to reply to this notice.

2. Learned counsel for the applicant submitted that he is challenging the issuance of the show cause notice Annexure A/1 dated 06.01.2014 on the two grounds -

Anil Kumar

The first ground taken by the learned counsel for the applicant is that Shri S.D. Sekh, Senior Superintendent of Post Offices, Ajmer Division, Ajmer (respondent no. 4) is not competent authority in this case to take a final decision in the disciplinary proceedings against the applicant. Only the Head of Office can take such action against the applicant. Since Shri S.D. Sekh, Senior Superintendent of Post Offices, Ajmer Division, Ajmer (respondent no. 4) is a Group 'B' officer, therefore, he cannot work as Head of Office. Thus, the question of competency of Shri S.D. Sekh, Senior Superintendent of Post Offices, Ajmer Division, Ajmer (respondent no. 4), who is working as Head of Office, to take a final decision in the disciplinary proceedings against the applicant, has been challenged in this O.A.

The second ground taken by the learned counsel for the applicant is that since the applicant was working as Circle Secretary of the Union and he made certain complaints against Shri S.D. Sekh, Senior Superintendent of Post Offices, Ajmer Division, Ajmer (respondent no. 4) vide letter dated 03.12.2010 (Annexure A/6), letter dated 19.04.2011 (Annexure A/7) and letter dated 31.10.2013 (Annexure A/8), therefore, being annoyed from the applicant, the respondent no. 4 wants to punish the applicant with mala fide intent.

3. Learned counsel for the applicant further submitted that the applicant wants to represent before the Appellate Authority on the basis of aforesaid grounds.

Anil Kumar

4. In the interest of justice, the applicant is at liberty to represent before the Appellate Authority i.e. the Post Master General, Southern Region, Ajmer (respondent no. 3), along with a copy of complete paper book of this O.A., within three days from today and the Appellate Authority is directed to decide the representation of the applicant by a reasoned and speaking order within ten days from the date of receipt of representation from the applicant.

5. The respondent no. 4 is also directed not to pass a final order pursuant to the notice dated 06.01.2014 (Annexure A/1) issued to the applicant till the representation of the applicant is decided by the respondent no. 3, if such final orders have not been passed till date. If no such representation is filed by the applicant within the time prescribed by the Tribunal then this order shall automatically cease to have any effect.

6. With these observations and directions, the Original Application is disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

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