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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 17.12.96

OA 552/96

1. Naorat Mal Shrimali, Sub Post Master, Sendra Road, P.O. Beawar.
2. Om Prakash Solanki, Sub Post Master, Beawar PSPO.
3. Suresh Narayan Agarwal, Accountant, Head Post Office, Beawar.
4. Ramesh Chandra Chauhan, Postal Assistant, Beawar Head Post Office.
5. Nahar Singh, Postal Assistant, Beawar Head Post Office.

... Applicants

Versus

1. Union of India through Secretary to the Government of India, Department of Posts, New Delhi.
2. Director Postal Services, Rajasthan, Southern Region, Ajmer.
3. Supdt. of Post Offices, Beawar Postal Division, Beawar.

... Respondents

CORAM:

HON'BLE MR. GOPAL TRISHNIA, VICE CHAIRMAN

HON'BLE MR. S.C. VAISH, ADMINISTRATIVE MEMBER

For the Applicants

... Mr. C.B. Sharma

For the Respondents

... Mr. Zakir Hussain, brief holder for
Mr. M. Rafiq

O R D E R

PER HON'BLE MR. S.C. VAISH, ADMINISTRATIVE MEMBER

Applicants, named above, are employees of the respondent Department of Posts. They are at present posted at Beawar Head Post Office. They have come to the Tribunal against an order dated 30.8.96 (Ann.A-1), by which punishment was imposed on the applicants. They have impugned this punishment on the grounds that the disciplinary authority himself is a witness in the criminal case, charges levelled against the applicants are vague, the charge memo was issued as an after-thought on the direction of higher authorities and the incident was occurred on the road and the FIR lodged by Shri Jain in personal capacity do not come under the purview of Rule 3(1) (iii) of the CCS (Conduct) Rules, 1964. Their request for staying the departmental action till a decision in the criminal case was arrived at and was rejected as they were office bearers of the Union and the respondents are prejudiced against them.

2. All these grounds taken by the applicants in the present OA should have been taken up by them in an appeal within the department, which is prescribed by rules. However, the learned counsel for the applicants states that the appellate authority in this case is the Director Postal Services,

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who himself inquired into the matter and cannot now act as an appellate authority.

3. We have heard Shri C.B.Sharma, counsel for the applicant, and Shri Zakir Hussain, brief holder for Mr.M.Rafiq, counsel for the respondents. We are of the view that this matter may first be agitated in a departmental appeal. If the Director Postal Services is unable to hear the appeal, the appeal may be preferred before the Post Master General, Ajmer, within 30 days from the date of the order. The Post Master General, Ajmer, will decide the appeal within a period of two months at his discretion. It is needless to say that if the applicants are aggrieved by the appellate order, they will be at liberty to move this Tribunal again.

4. The OA is disposed of with the above observations. No order as to costs.

mml 12-12-96
(S.C.VAISH)
ADMINISTRATIVE MEMBER

G.K. Sharma
(GOPAL KISHIA)
VICE CHAIRMAN

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