

6

of 1998

29.1.1999

(PETITIONER(S))

ADVOCATE FOR THE
PETITIONER(S)

ADVOCATE FOR THE
PETITIONER(S)

RESPONDENT(S)

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

[Signature]

K

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.97 of 1998

Date of decision: This the 29th day of January 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

Shri Jogendra Nath Pathak,
Post Master, Barpeta Post Office,
Barpeta, Assam.

.....Applicant

By Advocates Mr G.K. Bhattacharyya,
Mr G.N. Das and Ms B. Dutta Das.

- versus -

1. The Union of India, represented by the
Chief Post Master General,
Assam Circle, Guwahati.

2. The Director,
Postal Services, Assam Circle,
Guwahati.

3. The Superintendent of Post Offices,
Nalbari-Barpeta Division,
Nalbari, Assam.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

This application has been filed by the applicant challenging the Annexure III order of penalty dated 27.2.1998.

2. Facts for the disposal of this case are:

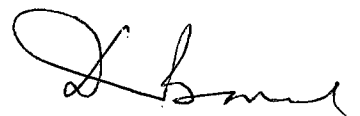
The applicant was and has been working as Postmaster, Barpeta Post Office. A minor penalty of recovery of Rs.30,000/- was imposed by Annexure III order dated 27.2.1998 on the ground of negligence. The same is continuing and at that point of time as the age of superannuation was 58 the authority also decided to deduct the balance amount from his Gratuity which he was entitled to. Being aggrieved the applicant submitted Annexure IV Statutory Appeal dated 3.4.1998. Without waiting for the six



months period for the disposal of the said appeal the applicant approached this Tribunal since, as per the conditions of service prevalent at that time he was to retire in June 1998. However, the age of superannuation has been raised to 60 years, and therefore, the applicant is still in service. The statutory appeal has not yet been disposed of. Therefore, it is difficult for this Tribunal to consider the views of the authority in this case. Written statement has, however, been filed in this case. In their written statement the respondents have admitted that the statutory appeal preferred by the applicant is pending.

3. In view of the above, I am not inclined to enter into the merits of the case, instead, I dispose of this application with direction to the respondent No.2 to dispose of the Statutory Appeal as early as possible, at any rate within a period of three months from the date of receipt of this order by passing a reasoned order. If the applicant is still aggrieved he may approach the appropriate authority.

4. The application is accordingly disposed of. No order as to costs.



(D. N. BARUAH)
VICE-CHAIRMAN