

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

Original Application No. 306 of 2006

Jabalpur, this the 16th day of May, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman

S.L. Sen, son of Shri Lachhulal Sen,
aged about 56 years, Resident of working
as Postal Asstt. (Deputy Post Master),
Gotegaon, Distt. Narsinghpur.

.... **Applicant**

(By Advocate – Ms. Shalini Choudhari on behalf of Shri B.M. Prasad)

V e r s u s

1. Union of India, through Secretary,
Dept. of Post and Telegraphs, New Delhi.
2. Senior Superintendent of Post Offices,
Hoshangabad.

.... **Respondents**

O R D E R (Oral)

Heard the learned counsel for the applicant.

2. Through this OA the applicant has challenged the order of disciplinary authority dated 1.11.2005 passed under Rule 12(2) of CCS (CCA) Rules imposing the penalty of recovery of Rs. 30,000/- from salary of the applicant at the rate of Rs. 1,500/- per month. This penalty falls within the category of minor penalties under Rule 11(iii) of the CCS (CCA) rules. This is an order which is appealable under Rule 23 of the CCS (CCA) Rules. It appears that the applicant has not availed of the remedy available to him under CCS(CCA) Rules. It is, therefore, clear that the applicant has not exhausted all the remedies available to him under the relevant service rules as to redressal of grievances. No cogent reasons have been given by the applicant except the following which has been stated in the OA:

“The applicant submits that although under the CCS(CCA) Rules, 1965, he has an alternative remedy of filing an appeal, but since, the recovery from his salary has started and the basic question of exercise of power is involved in the matter and the

appellate authority has no power to stay the recovery of amount, the present application is being filed herewith.”

3. The relief sought, through this OA is as follows:

“It is, therefore, humbly prayed that this Hon’ble Court be pleased to quash the order of punishment dated 1.11.2005 passed by the respondent No. 2; or any other appropriate writ, direction or order may be passed.”

This relief could have also been sought for by the applicant through an appeal to the competent authority.

4. Since he has not done so, this OA is not maintainable and is rejected at the admission stage.

(Dr. G.C. Srivastava)
Vice Chairman

“SA”