

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

.....

original Application No. 465/2004

Jabalpur, this the 27th day of May, 2004

Hon'ble Shri Madan Mohan, Member (Judicial)

Shri Manoj Kumar Jaiswal,
Aged about 29 years,
S/o Sh. Swamideen Jaiswal,
R/o village Sirounja,
Post-office-Rajendra Nagar Colony
(via Burhar) Distt. Shahdol(MP).

...Applicant

(By Advocate: Shri S. Nagu)

-versus-

1. Union of India through
Secretary,
Department of Post,
New Delhi.

2. Director,
Postal Services,
Raipur Circle,
Raipur (Chhattisgarh)

3. Superintendent Post Office,
Shahdol Division,
Distt. Shahdol (MP).

...Respondents

(By Advocate: Shri K.N. Pethia)

O R D E R (ORAL)

Heard the learned counsel for both the parties.

2. The main grievance of the applicant is that by impugned order dated 31.10.2003 his regular services on the post of Branch Post Master, Rajendra Nagar Colony have been dispensed with by the respondents without assigning any reason or without giving any opportunity to show cause. Aggrieved with the said impugned order, the applicant preferred an appeal on 31.1.2004 before respondent no. 2. The respondent no. 2 vide its order dated 26.3.2004 (Annexure A-10) asked the applicant to furnish reasons as to why he has not filed the appeal within 45 days as prescribed under the rules. Learned counsel for the applicant stated that under the Rules the appeal is required to be filed within three months

and not in 45 days, as alleged by the respondents. To substantiate his contention, the learned counsel for the applicant has drawn our attention to Rule 14 of Service Rules for Postal ED Staff - "Department of Posts Gramin Dak Sevak (Conduct and Employment) Rules, 2001" for "EDA Conduct and Service Rules", which reads as under:-


"14. Period of limitation for appeal.

No appeal shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against.

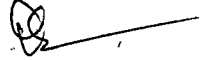
Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time."

In view of the above rule position, we are convinced that the applicant's appeal was well within time and the said appeal is admittedly pending for disposal by the respondents authorities.

3. Learned counsel for the applicant further submitted that pertinently the vacancy arising after the termination of the applicant is sought to be filled up by the respondents by inviting fresh applications from the open market through advertisement dated 11.11.2003 (Annexure A-15) but the selection process commenced by the respondents has not yet been completed. He, therefore, stated that the applicant would be satisfied if his appeal dated 31.1.2004, which is pending with the respondents, is directed to be decided by the respondents within a reasonable time with a direction to the respondents not to declare the result of the fresh selection process before a decision is taken on the applicant's aforesaid appeal. Learned counsel for the respondent also agreed to the said submission of the learned counsel for the applicant.



4. In view of the above submission of the learned counsel for the applicant, the present Original Application is disposed of at the admission stage itself directing the respondents to consider the appeal of the applicant and take a decision by passing a reasoned, detailed and speaking order within a period of one month from the date of receipt of a copy of this order. They are further directed that till the appeal of the applicant filed on 31.1.2004 is decided, result of the fresh selection process commenced by the respondents be not declared.



(Madan Mohan)
Member (Judicial)

/na/

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिनिधि अन्वेषित:-

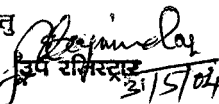
(1) सचिव, उच्च न्यायालय द्वार एग्रेसिभल, जबलपुर

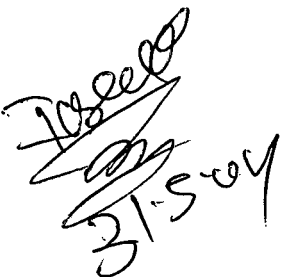
(2) आवेदन श्री/श्रीमती/शु.....के काउंसल S. Mayu

(3) प्रत्यर्पी श्री/श्रीमती/शु.....के काउंसल

(4) कंसपाल, को.प्र.अ., जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु


31/5/04


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