

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP : GWALIOR

Original Application No.552 of 2003

Gwalior, this the 24th day of August, 2004

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri A.K.Bhatnagar-Judicial Member

Nathu Ram Richariya, S/o Late Shri Bhagwan
Das Richariya, Aged about 59 years,
R/o Gram/Post Semri (Pichod), Tahsil &
District Shivpuri

- APPLICANT

(By Advocate Shri S.P.Pathak on behalf of Shri M.K.Verma)

Versus

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

2. Director, Postal Services, Bhopal.

3. Superintendent of Post Office, Guna - RESPONDENTS

(By Advocate - Shri P.Shankaran)

ORDER (Oral)

By M.P.Singh, Vice Chairman -

Heard the learned counsel of parties. In this case the applicant is seeking a direction to the respondents to reinstate him in service with all consequential benefits.

2. The brief admitted facts of the case are that the applicant while working as Postman at Shivpuri Head Office was convicted in a Criminal Trial No.20/1998 by the Court of 4th Additional District Judge, Shivpuri on 17.9.2002 and sentenced for 18 months rigorous imprisonment and fine of Rs.200/- under Section 148 of the IPC and also for rigorous imprisonment for three years and fine of Rs.300/- under Section 326 read with Section 149 of the IPC. The respondents have, therefore, placed him under suspension and action was initiated under Rule 19(1) of the CCS (CCA) Rules, 1965. A skelton inquiry was conducted and a show cause notice was issued to him as to why he should not be dismissed from service on 25.10.2002. After considering his representation, the disciplinary authority imposed the penalty of dismissal from service on the applicant vide order dated 20.2.2003 (Annexure-A-6).

3. The applicant has submitted that in his representation to the show cause notice, he has stated that he had preferred an appeal against the decision of the Trial Court before the Hon'ble High Court, Gwalior and the Hon'ble High Court vide its order dated 7.10.2002 in Criminal Appeal No.480 of 2002 has suspended the sentence of imprisonment of the applicant, but the disciplinary authority has not taken into consideration this aspect of the matter while imposing the penalty of dismissal from service. On the other hand the respondents have submitted that without exhausting the remedy of departmental appeal against the impugned order of disciplinary authority, the applicant has approached this Tribunal.

4. We have carefully considered the arguments advanced on behalf of both the sides and we deem it appropriate ^{to} ~~that~~ if we direct the applicant to file an appeal against the order of dismissal from service dated 20.2.2003 (Annexure-A-6) within a period of four weeks from the date of receipt of a copy of this order. ^{We ordered accordingly.} If the applicant complies with this order, the appellate authority is directed to dispose of the appeal of the applicant within a period of three months from the date of its receipt, by passing a speaking, detailed and reasoned order and communicate the same to the applicant promptly.

5. In the result, the OA is disposed of with the above directions. No costs.

(A.K.Bhatnagar)
Judicial Member

(M.P.Singh)
Vice Chairman

rkv.

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

संज्ञित २.०२.२००३

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सूचना एवं आवश्यक कार्यवाही हेतु

उपे सजिस्टर

M.K. Verma
P. Shankar

Forwarded
1-9-04