

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH  
CIRCUIT CAMP : GWALIOR

Original Application No.220 of 2000

Gwalior, this the 16th day of July, 2003

Hon'ble Shri Kuldip Singh - Judicial Member  
Hon'ble Shri Anand Kumar Bhatt - Administrative Member

R.K.Upadhyay, S/o Shri Radha Krishna Upadhyay,  
aged 45 years, Occupation Sorting Assistant,  
S.R.O., R.M.S., Gwalior (M.P.) R/o Azad Nagar,  
Morar, Gwalior (M.P.).

- APPLICANT

(By Advocate - Shri S.C.Sharma)

Versus

1. The Union of India, through the Director General of Posts, Department of Posts, India, and Chairman, Postal Services Board, Sansad Marg, Dak Bhawan, New Delhi.
2. Chief Post Master General, M.P.Circle, Dak Bhawan, Bhopal, M.P.
3. The Superintendent of R.M.S., M.P.Division, Bhopal (M.P.).

- RESPONDENTS

(By Advocate - Shri P.N.Kelkar)

ORDER (Oral)

By Kuldip Singh, Judicial Member -

The applicant has filed this O.A. assailing the orders passed by the disciplinary authority as well as by the appellate authority where the punishment awarded to the applicant has been upheld.

2. The learned counsel of the respondents has taken an objection that the applicant had preferred an appeal before the appellate authority after lapse of about 6 years ~~on~~ period so on the basis of limitation itself the appeal was rejected. So, now the O.A. is also not tenable. The learned counsel of the respondents also submitted that in this very case there were two persons, namely, the applicant and one B.P.Ganak. B.P.Ganak had filed an OA No.144 of 1995 which was dismissed by this Tribunal vide order dated 6.4.2000. Against that order, B.P.Ganak had gone in Writ

:: 2 ::

Petition No.1879 of 2000 before the Hon'ble High Court of Madhya Pradesh, which was also dismissed vide order dated 19.3.2001. We find that since the applicant is also similarly placed and the observation as given by the Tribunal in the earlier OA as well as by the Hon'ble High Court <sup>on law and on facts also be</sup> are binding on this case, this OA has no merit and the same is dismissed. No costs.

*Anand Kumar Bhatt*  
(Anand Kumar Bhatt)  
Administrative Member

*Kuldip Singh*  
(Kuldip Singh)  
Judicial Member

rkv.