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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.789 of 1997

Jabalpur, this the 16th day of January, 2003.

Hon'ble Mr. Justice N.N. Singh- Vice Chairman
Hon'ble Mr. Sarveshwar Jha- Member (Admnv.)

Vishnu Dutt Dubey S/o late Shri
R.K.Dubey, aged 55 years, R/o
Manendragarh, District Surguja (MP)
Pin- 497442.

-APPLICANT

(By Advocate- Mr.V.Tripathi)

Versus

1. Union of India through the
Secretary, Ministry of Communications,
Department of Posts, New Delhi.
2. Director, Postal Services,
Raipur (Appellate Authority).
3. The Superintendent of Post Offices,
Raigarh- 496001 (MP)

-RESPONDENTS

(By Advocate- Mr.S.A.Dharmadhikari)

O R D E R (ORAL)

Heard. The applicant has approached this Tribunal through this O.A. seeking setting aside the order dated 24/30.3.1994 and also the order dated 3.4.1995, copies of which are placed at Annexures A/1 and A/2 respectively, compulsory retiring the applicant from service with immediate effect. He has also prayed for his re-instatement with all consequential benefits.

2. On perusal of the application, it is observed that the applicant, who was working as Mail Overseer, was charge sheeted vide orders of the respondents dated 27.4.1992, a copy of which is placed at Annexure A/4, under Rule 14 of CCS(CCA) Rules, 1965. The applicant did submit

a reply to the charge sheet denying the allegations levelled against him. The respondents, however, were not satisfied with the reply of the applicant and instituted a departmental enquiry against the applicant. The applicant has alleged that in the enquiry, full, reasonable and adequate opportunities were not afforded to him. He has also made some other allegations like permission has not been granted to cross-examine by the applicant or his defence assistant etc. He has also alleged that the Disciplinary Authority has imposed a harsh, excessive and dis-proportionate punishment on him and also that the Appellate Authority has dismissed his appeal without applying his mind.

3. On perusal of the reply of the respondents, it is observed that they have denied the allegations made by the applicant that he was not afforded adequate opportunities or the Appellate Authority has not considered his appeal properly and dismissed the same. They have also maintained ^{it is} the punishment imposed on the applicant is based on the findings of the enquiry.

4. It is observed that while the appeal made by the applicant has been appropriately looked into by the Appellate Authority and disposed of, his review application submitted to the Member, Postal ~~and~~ ^{and} Postal Board under Rule 29 of CCS Rules has not been decided by the said authority till date. The respondents also have not referred to this aspect in their written reply. Though sufficient time has elapsed since the review application has been filed by the applicant, as submitted by the learned counsel of the applicant, it

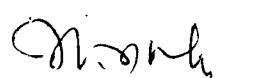
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is possible that review application has still not been decided by the Reviewing Authority. Keeping in view the various submissions made by the applicant, regarding the punishment being harsh, excessive and disproportionate and also that the enquiry has not been conducted properly by the authorities, it appears that the entire matter ~~needs~~ ^{to} be considered by the Reviewing Authority.

5. Under these circumstances, we are of the view that it would be appropriate to dispose of this O.A. with direction to the respondents that the review application submitted by the applicant to the Reviewing Authority under Rule 29 of CCS Rules be considered by the said authority and decided within two months from the date of receipt of this order by issuing a reasoned and speaking order as per law and rules on the subject. With this, this O.A. stands disposed of in terms of the above directions with no order as to costs.



(Sarveshwar Jha)
Member (Admnv.)


 (N.N. Singh)
Vice Chairman

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पृष्ठांकन से ओ/व्या.....जबलपुर, दि.....
प्रिवेटिव अधोषित:-

- (1) डॉ. विजय व्याघरात्मक वार एवं विवेक जबलपुर
- (2) डॉ. विजय व्याघरात्मक वार एवं विवेक जबलपुर
- (3) डॉ. विजय व्याघरात्मक वार एवं विवेक जबलपुर
- (4) डॉ. विजय व्याघरात्मक वार एवं विवेक जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु


 उप सचिव
20/10/03

Issued
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On