

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

12.12.2007

Radhey Shayam Naruka vs. UOI

OA No. 432/2007

Mr. C.B.Sharma, counsel for the applicant

Heard the learned counsel for the applicant at admission stage. For the reasons dictated separately, the OA is disposed of.

Tarsem Lal
(TARSEM LAL)
Admv. Member

M.L.Chauhan
(M.L.CHAUHAN)
Judl. Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 12th day of December, 2007

ORIGINAL APPLICATION NO.432/2007

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER

Radhey Shyam Naruka
s/o shri Dara Singh,
r/o Village and Post Jawali,
via Laxmangarh,
Distt. Alwar, retired
from the post of Mail Overseer-II,
Rajgarh Sub Post Office,
District Alwar.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India
through Secretary to the Government of India
Department of Posts,
Ministry of Information and Technology,
Government of India,
Dak Bhawan, Sansad Marg,
Delhi.
2. Chief Post Master General,
Rajasthan Circle, Jaipur
3. Senior Superintendent of Post Offices,
Alwar Postal Division,
Alwar
4. Sub-Divisional Inspector (Postal), Rajgarh
District, Alwar.

.. Respondents

(By Advocate:...)

O R D E R (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- i) That respondents be directed to release amount of DCRG, commutation with the due pay and allowances and other claims with the interest at market rate by quashing disciplinary proceedings against the applicant including charge memo dated 7/4/2005 (Annexure A/4) and enquiry report Annexure-A/13) with all consequential benefits.

OR

As an alternate respondents be directed to finalise disciplinary proceedings without any delay and thereafter to release due benefits.

- ii) Any other order/directions of relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.
- iii) That the costs of this application may be awarded."

2. We have heard the learned counsel for the applicant at admission stage. We are of the view that the present OA is premature at this stage. The learned counsel for the applicant submits that he has also made alternate prayer regarding finalization of disciplinary proceedings. The learned counsel further submits that he has filed reply to the enquiry report, as such, the matter is required to be processed at the level of Disciplinary Authority now.

3. In view of what has been stated above, without entering into merits of the case and the fact that

enquiry is complete and the Enquiry Officer has submitted his report to which the applicant has filed objections, we are of the view that it will be in the interest of justice, if direction is given to the Disciplinary Authority to proceed further in the matter and pass appropriate order in accordance with law.

4. Accordingly, respondent No.4 is directed to take further follow up action in the matter as expeditiously as possible since the applicant has since retired from service and in any case not later than three months from the date of receipt of a copy of this order.

5. With these observations, the OA is disposed of at admission stage. Needless to add that it will be open for the applicant to approach this Tribunal again, in case, he is aggrieved by the order to be passed by the Disciplinary/Appellate authority.


(TARSEM LAL)

Admvt. Member


(M.L. CHAUHAN)

Judl. Member

R/