

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

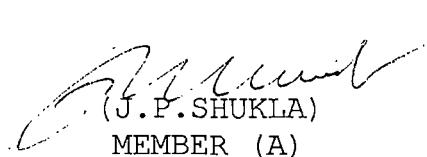
ORDERS OF THE TRIBUNAL

02.01.2008

OA 475/2007

Mr.P.N.Jatti, counsel for applicant.

Heard the learned counsel for the applicant.
The OA stands disposed of, at admission stage
itself, by a separate order.


(J.P.SHUKLA)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 2nd day of January, 2008.

ORIGINAL APPLICATION NO.475/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

Rajendra Kumar Khorwal,
Mail Guard,
Transit Mail Office,
Bayana (Rajasthan).

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Sr.Supdt. Railway Mail Service,
Jaipur Division,
Opp.Radio Station, M.I.Road,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

Heard the learned counsel for the applicant. The applicant was issued a charge-sheet under Rule-105 & 106 of the Postal Rules read with Rule 3(1)(ii)&(iii)

of the CCS (Conduct) Rules, 1964. The disciplinary authority passed the impugned order dated 30.11.2007 (Ann.A/1) thereby stopping the increment of the applicant for a period of six months and also imposing a recovery of Rs.10,000/- from the pay of the applicant. Further, the period from 8.12.2006 to 10.12.2006 has been treated as dies-non.

2. Against the order passed by the disciplinary authority, the applicant preferred an appeal dated 28.12.2007 (Ann.A/6) to the Director Postal Services. The said appeal has not been disposed of so far. Thus, in view of the law laid down by the Apex Court in the case of **S.S.Rathore v. State of Madhya Pradesh**, AIR 1990 SC 10, the present OA is premature till the appeal is not decided.

3. Accordingly, the present OA is disposed of, at admission stage itself, with a direction to the Director Postal Services to dispose of the appeal filed by the applicant vide Ann.A/6 within a period of three months from the date of receipt of a copy of this order. Till the disposal of the said appeal, the respondents are restrained to effect the recovery of Rs.10,000/- from the pay of the applicant.

4. The Registry is directed to send a copy of this order, alongwith paper book, to the Director (HQ), Postal Services, O/o Chief Post Master General, Rajasthan Circle, Jaipur.


 (A.J.P. SHUKLA)
 MEMBER (A)


 (M.L. CHAUHAN)
 MEMBER (J)

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