

21.05.2008

OA No. 147/2008 with MA 135/2008

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

This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Bench on 28.05.2008.


(GURMIT SINGH)
DEPUTY REGISTRAR

ahq

28.05.2008

OA 147/2008 a/w MA 135/2008

Present : Mr. P.N. Jatti, counsel for the applicant.

This case has been listed before the Deputy Registrar due to non-availability of the Division Bench. Be listed before the Hon'ble Bench on 11.07.2008.


(GURMIT SINGH)
DEPUTY REGISTRAR


akv


11-7-08

Mr. P.N. Jatti - counsel for the applicant

Heard the learned counsel for the applicant.

For the reasons dictated separately, the OA stands disposed of-.


(B.L. KHATRI)
Member (A)


(M.L. CHAUDHARY)
member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 11th day of July, 2008

ORIGINAL APPLICATION No.147/2008

With MA No.135/08

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

HON'BLE MR. B.L.KHATRI, MEMBER (ADMINISTRATIVE)

Suk Khan Lal
s/o Shri Sukhpali Ram,
r/o A-04, Darwaja Deeg,
presently as dismissed EDMC,
Laxman Mandir Deeg,
Bharatpur (Raj.)

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur
3. Superintendent of Post Offices, Bharatpur Dn. Bharatpur.
4. Inspector, Post Offices, Deeg Sub Dn., Deeg, Bharatpur.

... Respondent

(By Advocate:)

O R D E R (ORAL)


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


- i) That by a suitable writ order of the direction the respondents be directed to decide the appeal of the applicant and the impugned order vide annexure A/1 D. 12.2.2007 be quashed and set aside. Further the charge memo dated 7.11.05 be quashed and set aside.
- ii) That further the respondents be directed to take the applicant on duty with all the consequential benefits this with effect from 7.10.2004.
- iii) Any other benefit which the hon'ble bench deems fit.

2. Briefly stated, facts of the case are that the applicant while working on the post of E.D.M.C. was issued a charge memo dated 7.11.2005 which resulted into imposition of penalty of dismissal from service vide impugned order dated 12.2.2007. The applicant has also filed appeal dated 11.2.2008 (Ann.A3) before the Appellate Authority. The said appeal is still pending.

3. Thus, in view of the law laid down by the Hon'ble Apex Court in the case of S.S.Rathore vs. State of Madhya Pradesh, AIR 1990 SC 10, we are of the view that the present OA is premature and cannot be entertained at this stage. Since the appeal is pending before the Appellate Authority, the Appellate Authority i.e. respondent No.3 may consider the same and pass appropriate order within a period of two months from the date of receipt of a copy of this order.

4. With these observations, the OA as well as MA are disposed of at admission stage.


(B.L. KHATRI)
Admv. Member


(M.L. CHAUHAN)
Judl. Member

R/