

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S) _____ Respondent (S) _____
Advocate for Applicant (S) _____ Advocate for Respondent (S) _____

ES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p><u>13.03.2009</u></p> <p><u>OA No. 81/2009</u></p> <p>Mr. C.B. Sharma, Counsel for applicant.</p> <p>Heard learned counsel for the applicant.</p> <p>For the reasons dictated separately, the OA is disposed of.</p> <p> (B.L. KHATRI) MEMBER (A)</p> <p> (M.L. CHAUHAN) MEMBER (J)</p> <p>AHQ</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 13th day of March, 2009

ORIGINAL APPLICATION NO. 81/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Mukesh Tilwani son of Shri Pesu Mal Tilwani aged about 45 years, resident of 1-JH, Vaishali Nagar, Ajmer and presently working as Postal Assistant, Madanganj Post Office, Ajmer Division, Ajmer.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communications and Information Technology, Dak Bhawan, New Delhi – 110 001.
2. The Director Postal Services, Southern Region, Ajmer.
3. The Senior Superintendent of Post Offices, Ajmer Postal Division, Ajmer.
4. Shri R.K. Arya, Inquiry Officer and Deputy Superintendent of Post Offices, Ajmer, Postal Division, Ajmer.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA against the order dated 07.01.2009 whereby the Appellate Authority has passed the order regarding additional documents which the applicant has sought during the course of inquiry but the same was not made available to him and which led to filing of the earlier OA in which this Tribunal has given directions to the Appellate Authority to decide the appeal of the applicant. Now the Appellate Authority has passed a reasoned and speaking order thereby considering the request of the applicant for additional documents, as sought by him, which has been noticed in Para No. 3 of the order and had passed the order to the effect that

the record, as asked for by the applicant, has been made available to him.

2. The grievance of the applicant in this case is to the effect that one Shri Kamaludin Kadri has been listed as one of the witness in the list of witnesses whereas according to the applicant, he was the person who was solely responsible for the omission and commission and against whom, the department has also lodged FIR. Thus according to the applicant, Shri Kamaludin Kadri could not have been listed as one of the witness in the list of witnesses.

3. We have given due consideration to the submission made by the learned counsel for the applicant. We are of the view that in exercise of judicial power, it is not permissible for us to interfere in the departmental proceedings. According to us, the applicant has been granted due indulgence by this Tribunal by directing the Appellate Authority to consider his case regarding additional documents, as asked for by him, which request has been accepted by the Appellate Authority.

4. For the foregoing reasons, we are of the view that the present OA cannot be entertained at this stage, which is accordingly disposed of. Needless to add it is always permissible for the applicant to raise any of the objections regarding violation of principles of natural justice during the course of inquiry proceedings while challenging the final order.

5. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ