

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 08th day of July, 2010

ORIGINAL APPLICATION No. 308/2010

CORAM :

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

Kaptan Singh Meena son of Shri Yad Ram by caste Meena, aged about 42 years, resident of Village Bhajera, Post Gagwana via Sewar. District Bharatpur, presently working as P.A. in the Head Post Office, Bharatpur.

... Applicant

(By Advocate : Mr. P.N. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Director Postal Services (HQ), O/o Chief Postmaster General, Rajasthan Circle, Jaipur.
4. Superintendent Post Offices, Bharatpur Division, Bharatpur.

... Respondents

(By Advocate : -----)

ORDER (ORAL)

The applicant has filed this OA against the impugned order dated 25.06.2010 (Annexure A/1) passed by the Disciplinary Authority whereby the applicant has been imposed minor penalty of with-holding of one increment for three years

without cumulative effect. The order is appeal-able under the Disciplinary Rules. In fact, the applicant has filed an appeal to Respondent no. 3 (Annexure A/5).

2. I have heard the learned counsel for the applicant. In view of the law laid down by the Constitution Bench of the Apex Court in the case of **S.S. Rathore vs. State of M.P.**, AIR 1990 SC 10, the exhaustion of the remedy available under the disciplinary rules is a condition precedent to maintain claim under Administrative Tribunal's Act, 1985. The Apex Court has further held that cause of action shall be taken to arise not from the date of original adverse order but from the date of order of higher authority where statutory remedy is provided. In this case, the Appellate Authority has not passed any such order. As such, the OA cannot be entertained at this stage. However, in the facts & circumstances of this case, the Appellate Authority is directed to decide the appeal of the applicant expeditiously and in any case within a period of three months from the date of receipt of a copy of this order.

3. With these observations, the OA is disposed of at admission stage with no order as to costs.


(M.L. CHAUHAN)
MEMBER (J)

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