

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA No.490/2010

This the 10th day of November, 2010

Hon'ble Shri M.L. Chauhan, Member (Judicial)
Hon'ble Shri Anil Kumar, Member (Administrative)

Shri K.L. Dithania S/o late Shri Pyare Lal Dithania aged about 60 yrs, r/o village and post near Sanskrit School, Sewar, presely working as P.A.(D.C.R.) Bharatpur, head post office, Bharatpur.

..... Applicant

(By Advocate: Shri P.N.Jatti)

VERSUS -

1. Union of India, through the Secretary to the Govt. of India, Department of post. Dak Bhawan, Sansad, New Delhi.
2. Chief post master General, Rajasthan Circle, Jaipur-7
3. Superintendent post offices, Bharatpur Dn., Bharatpur.

....Respondents

ORDER (ORAL)

Learned counsel for applicant has filed this OA, thereby, challenging the order dated 30.9.2010(Annexure A-1). Against this order the applicant has also filed appeal on 30.10.2010(Annexure A-2) before the appellant authority.

2. In view of the law laid down by the Apex Court in the case of **Shri S.S.Rathore Vs. State of Madhya Pradesh AIR 1990 SCC at page 10**, the cause of action in such matter shall arise when final order on

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the statutory appeal/ revision is passed by the competent authority and not from the date of the original order of disciplinary authority.

3. Thus, in view of the law laid down by the Apex Court, the present OA is pre-mature and the same cannot be entertained at this stage. However, keeping in view of the facts and circumstances of the case that appeal of the applicant dated 30.10.2010 is pending before the appellant authority, we are of the view that ends of justice will be met if the said appeal is disposed of as ^{soon as} expeditiously ^{as} possible ^{as} within a period of three months from the date of receipt of a copy of this order by passing a speaking and reasoned order.

4. In view of what has been stated above, the OA stands disposed of with no order as to costs. Needless to add that in case the applicant is still aggrieved by the order to be passed by the appellant authority/revisional authority, it will be permissible for him to file a substantive OA for the same cause of action.

Anil Kumar
(Anil Kumar)
Member (Administrative)

M.L.Chauhan
(M.L.Chauhan)
Member (Judicial)

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