

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 30th day of November, 2010

ORIGINAL APPLICATION NO. 513/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

D.C. Gupta son of Late Shri Damodar Lal Gupta by caste Gupta, aged about 46 years, resident of House NO. D-69, Jawahar Nagar, Bharatpur, presently working as P.A. SBCO, Bharatpur, H.O.

.....Applicant

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

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent Post Offices, Bharatpur Division, Bharatpur.

.....Respondents

(By Advocate: -----)

ORDER

The applicant has filed this OA against the order dated 04.10.2010 (Annexure A/1) passed by the Disciplinary Authority whereby minor penalty has been imposed upon him. It is averred that the applicant has filed an appeal dated 31.10.2010 (Annexure A/2) before the Appellate Authority.


2. We have heard the learned counsel for the applicant. We are of the view that the present OA cannot be entertained at this stage in view of the law laid down by the Apex Court in the case of **S.S.**




Rathore vs. State of M.P., AIR 1990 SC 10, whereby the Apex Court has held that the cause of action shall be taken to arise not from the date of adverse order but from the date when the order of higher authority whereby statutory remedy is provided entertaining the appeal and when no such order is passed, though the remedy has been availed of and six months period from the date of preferring of the appeal shall be taken to be the date when cause of action is taken to have first arise. Admittedly in this case period of six months from the date of filing of the appeal has not expired.

2. Thus in view of what has been stated above, we are of the view that the present OA can be disposed of at this stage with the direction to the Appellate Authority to decide the appeal of the applicant dated 31.10.2010 (Annexure A/2) expeditiously and in any case not later than three months from the date of receipt of a copy of this order. Accordingly, Director Postal Services is directed to decide the appeal of the applicant by passing a reasoned & speaking order expeditiously and not later than 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 itself with no order as to costs.


(ANIL KUMAR)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ