

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 05th day of February, 2010

ORIGINAL APPLICATION NO. 72/2010

CORAM:

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

Bachchu Lal Meena son of Late Shri Birbal Meena, aged about 58 years, resident of near Head Post Office, Sawaimadhopur and presently working as Postal Assistant (BCR), Swaimadhopur, Head Post Office, Sawaimadhopur.

.....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 Communication and Information Technology, Dak Bhawan, New Delhi.
2. Principal Chief Post Master General, Rajasthan Circle, Jaipur.
3. Director Postal Services (Head Quarter), Jaipur.
4. Superintendent of Post Offices, Sawaimadhopur Postal, Sawaimadhopur.

.....RESPONDENTS

(By Advocate: -----)


ORDER (ORAL)

The applicant has filed this OA against the order dated 04.09.2009 (Annexure A/1) whereby the penalty was imposed upon the applicant as mentioned in the said order. The applicant has filed appeal before Respondent no. 2 on 16.03.2009. The said appeal has not been disposed of by the Appellate Authority till date. In view of the law laid down by the Apex Court in the case of **S.R. Rathore vs. State of M.P.**, AIR 1990 SC 10, the present OA cannot be entertained unless statutory remedy is not exhausted.

llr

2. In view of what has been stated above, we are of the view that it will be in the interest of justice if the time bound direction is given to the Appellate Authority to decide the appeal of the applicant. Accordingly, 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. It may be stated that in the aforesaid case, Apex Court also made the observations that statutory appeal should be decided by the Appellate Authority expeditiously and in any case within a period of three to six months. As can be seen from the facts, as stated above, the period of more than nine months has already elapsed but the Appellate Authority has not decided the appeal.

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


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ