

(14)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

23.02.2012

OA No. 206/2011 with MA 288/2011

Mr. C.B. Sharma, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

List it on 01.03.2012. IR to continue till the next date.

Anil Kumar
(Anil Kumar)
Member (A)

ahq

01/03/2012

OA 206/2011 with MA 288/2011

Mr. C.B. Sharma, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondent

Heard.
O.A. and M.A. are disposed of
by a separate order on the separate-
sheets for the reasons recorded therein

I.C. S. Rattan
[Justice H.S. Rathore]
Member (J)

Responder not
filed.
E. S.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 1st day of March, 2012

Original Application No.206/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, JUDICIAL MEMBER

Kishan Lal Saini
s/o Shri Chandra Bhan Saini,
r/o Village and Post Jaisinghpura Dhani
Near Bhim Shrimadhpor, presently
working as Gardener and Pump Driver/
Operator, Shrimadhpor, Head Post Office,
Shrimadhpor (Sikar)

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through
Secretary to the Government of India,
Department of Post,
Ministry of Communication,
Dak Bhawan,
New Delhi.
2. Post Master General,
Rajasthan Western Region,
Jodhpur.
3. Director,
Postal Services,
Rajasthan Western Region,
Jodhpur.
4. Superintendent of Post Offices,
Sikar Postal Division,
Sikar.
5. Post Master,
Shrimadhpor Head Post Office,
Shrimadhpor (Sikar)

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

The applicant has filed the present OA against the show-cause notice dated 6.5.2011 (Ann.A/1). At the out set, the learned counsel appearing for the respondents has raised preliminary objection regarding maintainability of this OA and submitted that the OA deserves to be dismissed being premature under the provisions of Section 20 of the Administrative Tribunal Act, 1985 since the applicant has not exhausted the remedies available to him.

2. Having considered the rival submissions of the respective parties, it is not disputed that the present OA has been filed against the show-cause notice issued on 6.5.2011 (Ann.A/1) and without filing reply to the show-cause notice, the applicant approached this Tribunal by preferring this OA. At the time of admission on 24.5.2011 ex-parte interim relief was granted by this Tribunal in favour of the applicant and the respondents were restrained from taking further action in pursuance to the Memo dated 6.5.2011 (Ann.A/1).

3. It is also not disputed that the applicant was initially appointed as Gardener in the office of respondent No.5 on 1.1.1985 and he was granted temporary status w.e.f. 1.6.2007 (Ann.A/2).

4. The controversy arose when show-cause notice was issued to the applicant stating that the temporary status granted to the



applicant is required to be withdrawn and the applicant was called upon.

5. Be that as it may, in my considered view, the ends of justice will be met if I allow the applicant to represent before the respondents against the show-cause notice within 15 days positively from the date of passing of this order, and if the applicant fails to do so, the interim order already issued will stand automatically vacated without reference to this Tribunal. If the applicant is able to file representation within 15 days, in that eventuality, the respondents are directed to consider the same and pass reasoned and speaking order in accordance with provisions of law within a period of 15 days thereafter and till then the interim order dated 24.5.2011 shall remain operative and immediately after decision on his representation, the interim order will automatically stand vacated. The applicant will be at liberty to file substantive OA, if any prejudicial order against his interest is passed by the respondents.

6. With these observations, the OA stand disposed of with no order as to costs.

7. In view of disposal of the OA, no order is required to be passed in MA No.288/2011, which shall stand disposed of accordingly.


(JUSTICE K.S.RATHORE)
Judl. Member

R/