

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

14.02.2011

OA No. 32/2011

Mr. Ram Gopal Choudhary, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed of.

Anil Kumar
(ANIL KUMAR)

MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)

MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 14th day of February, 2011

ORIGINAL APPLICATION NO. 32/2011

CORAM

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

Nahar Singh son of Late Shri Devi Singh Rathore, aged about 47 years, resident of Chhar Bhuja Colony, Beawar Road, Kekri, District Ajmer (Rajasthan).

.....Applicant
(By Advocate: Mr. Ram Gopal Choudhary)

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Superintendent of Posts, Beawar Division, Beawar.
3. Director Postal Services, Rajasthan Southern Region, Ajmer.
4. Post Master General, Rajasthan Southern Region, Ajmer.
5. The Principal Chief Post Master General, Rajasthan Circle, Jaipur.
6. The Inquiry Officer, Inspector Posts, Kekri Sub Division, Kekri.

.....Respondents
(By Advocate: -----)

ORDER (ORAL)

Heard learned counsel for the applicant.

2. The applicant is aggrieved by the order dated 28.05.2010 (Annexure A/1) whereby the penalty imposed by the Disciplinary Authority was enhanced to that of compulsory retirement. The applicant had filed an appeal dated 12.06.2010 (Annexure A/11) before the appropriate authority, which has not been decided so far. We are of the view that the matter can be disposed of at admission stage in the light of the judgment rendered by the Constitution Bench

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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 will arise when the statutory remedy by way of appeal is ~~not~~ exhausted. Accordingly, Post Master General, Rajasthan Southern Region, Ajmer [Respondent no. 4] is directed to decide the appeal of the applicant dated 12.06.2010 (Annexure A/11) within a period of one month from the date of receipt of a copy of this order by passing a reasoned & speaking order keeping in view the contention raised by the applicant to the effect that it was not permissible for the appropriate authority to invoke power of review as contemplated under Rule 24 of the CCS (CCA) Rules 1965. In case the applicant is aggrieved by the order to be passed by respondent no. 4, it will be open for him to file substantive OA for the same cause of action.

3. With these observations, the OA is disposed of at admission stage.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

AHQ