

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 22.02.2012

OA No. 122/2012

Mr. C.B. Sharma, counsel for applicant.

Heard learned counsel for the applicant. O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

J.C. S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 122/2012

DATE OF ORDER: 22.02.2012

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Hari Ram Khatri S/o late Shri Doda Mal Ji, aged about 56 years, R/o Kumawat Sadan, Kumawat Colony, Behind Arya Samaj Mandir, Mandanganj, Kishangarh, Ajmer and presently working as Postal Assistant, Ajmer Head Post Office, Ajmer.

...Applicant
Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication & Information Technology, Dak Bhawan, Sansad Marg, New Delhi – 110001.
2. Chief Post Master General, Southern Region, Ajmer – 305001.
3. Post Master General, Southern Region, Ajmer – 305001.
4. Director, Postal Services, Southern Region, Ajmer – 305001.
5. Senior Superintendent Post Office, Ajmer Division, Ajmer – 305001.

...Respondents

ORDER (ORAL)

By way of filing the present Original Application, the applicant has prayed for the following relief:-

"(i). That the respondents may be directed to consider appeal of the applicant and not to act upon show cause notice dated 10.02.2008 / 11.03.2008 (Annexure A/7) for enhancement of punishment by quashing the same, as the same issued without competency.

(ii). That the respondent no. 4 be directed to act as per procedure and not to pass any order for enhancement, as punishment order already attend finality and going to complete within two years with all consequential benefits.

(iii) Any other order, direction or relief may be passed in favour of the applicant, which may be deemed



fit, just and proper under the facts and circumstances of the case.

(iv). That the costs of this application may be awarded."

2. The applicant has also submitted an appeal Annexure A/1 dated -03-2011 against SSPO's Ajmer Order No. F/3-1/Ajmer H.O./05-06 dated 07.01.2008 before the respondents requesting therein to consider this belated appeal sympathetically by condoning the delay in filing the same.

3. Upon careful perusal of the pleadings as well as documents, it is evident that the said appeal annexure A/1 is still pending consideration before the respondents, which is also not disputed by the learned counsel appearing for the applicant.

4. Having considered the aspect that the said appeal Annexure A/1 is still pending consideration before the respondents, we deem it just and proper that the ends of justice would be met if the respondents are directed to consider and decide the same by passing a reasoned and speaking order.

5. Consequently, the respondents are directed to consider and decide the appeal (Annexure A/1) filed by the applicant and pass a reasoned and speaking order and communicate the decision so taken on the appeal to the applicant expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order.



6. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application.

7. With these observations and directions, the Original Application stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)

MEMBER (A)

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

kumawat