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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Order reserved on: 18.11.2014

**ORIGINAL APPLICATION NO. 060/00187/2014
Chandigarh, this the 20th day of November, 2014**

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

Balwan Singh son of Shri Jage Ram, resident of Village & Post Office Sehlanga, Tehsil Matanhail, District Jhajjar.

...APPLICANT

BY ADVOCATE: SHRI PRADEEP PRAKASH CHAHAR

VERSUS

1. Union of India through its Secretary, Ministry of Communications, Postal Department, New Delhi.
2. The Director Postal Services, CPMG Haryana Circle, Ambala
3. The Senior Superintendent of Post Offices, Rohtak Division, Rohtak.
4. The Inquiry Officer & ASPO's (HQ) Office of Sr. Supdt. of Post Offices, Rohtak Division, Rohtak.

...RESPONDENTS

BY ADVOCATE: SHRI DARSHAN GUPTA, PROXY FOR MS. MOHINDER GUPTA

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ORDER**HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-**

The applicant in the instant O.A. has assailed the Order dated 22.12.2010 (Annexure A-8) inflicting "punishment of dismissal from employment of GDS BPM Sehlanga" on the applicant, passed by the disciplinary authority, as well as the Order dated 16.12.2011 (Annexure A-10) whereby the appeal dated 28.01.2011/ 03.02.2011 (Annexure A-9) preferred by the applicant has been rejected by the appellate authority.

2. The applicant, while working as GDS BPM Sehlanga BPO in account with Matanhail SPO, suffered departmental action under rule 10 of the Gramin Dak Sevaks (Conduct and Employment) Rules 2001 for the alleged misconduct of fraudulently withdrawing on 13.03.2007 Rs. 15,170/- belonging to a depositor.

3. Written statement has been filed on behalf of the respondents supporting the impugned orders passed by the disciplinary authority as well as the appellate authority. It is also the stand of the respondents that the applicant has not availed of the remedy of revision before the competent authority under rule 19 of the

GDS (Conduct and Engagement) Rules 2011 and, therefore, this O.A is not maintainable and deserves dismissal. That the O.A. is time-barred is another preliminary submission made on behalf of the respondents.

4. We have heard the learned counsel for the parties, perused the pleadings available on record and given our thoughtful consideration to the entire matter.

5. M.A. No. 060/00297/2014 has been filed along with the O.A. seeking condonation of delay in filing the O.A. without any ground worth consideration. Further, whereas the period of delay is more than two years, as rightly contended by the respondents, the applicant describes the same as "about one year and two months" without indicating any dates. The said M.A., which has filed in a very casual manner, is disallowed. The O.A. is, therefore, not maintainable.

6. There is also substance in the stand of the respondents that the applicant having failed at the relevant time to avail of the remedy of revision before the competent authority under the relevant rules, the O.A. is not maintainable.



7. In the light of the above, the O.A., being not maintainable, is hereby dismissed. No order as to costs.

(DR. BRAHM A. AGRAWAL)
MEMBER(J)

(RAJWANT SANDHU)
MEMBER(A)

Dated: 20 .11.2014
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