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ORIGINAL APPLICATION NO. 112 of 1994

MISE.PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. _____ (O.A. _____)

Shri B. Barua

APPLICANT (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Mr D.C. Kanth Hazarika

ADVOCATE FOR

Mr Prem Sarma

APPLICANT (S)

Mr S. Ali, Sr. C.G.S.C.

ADVOCATE FOR
RESPONDENT (S)

OFFICE NOTE

DATE

COURT'S ORDER

14.6.94

Learned counsel Mr D.C.K. Hazarika moved this application under Section 19 of the Administrative Tribunals Act, 1985 on behalf of the applicant, Shri B. Barua, SPM, Kapati, Sub Post Office, Darrang District, for quashing the punishment imposed on him vide order under Memo No.H-2/Stamps/111 dated Tezpur the 22.4.1994 (Annexure-G) passed by the Superintendent of Post Offices, Darrang Division, Tezpur. Perused statement of grievances and reliefs sought for in this application.

The ^{applicant} application was asked by the authority vide letter dated 24.2.1994 (Annexure-C) to submit explanation for the news item published in the 'Sentinel' issue of 24.2.1994. It is submitted that due to illness he could not submit the explanation and availed leave. Thereafter, the applicant was served with a notice dated 29.3.1994

This application is in form but not in time. Condition for filing is not met. C. F. for Rs. 50/- deposited vide H.O. No. 863/07

Dated 10/6/

for Registrar
13/6

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(Annexure-F) informing him about the proposed action under Rule 1 of the CCS(CCA) Rules 1965 accompanied by the statement of imputation of misconduct/misbehaviour and to submit statement of defence. The applicant had submitted written statement in defence. Copy of the written statement has not been annexed. Thereafter, the impugned order of punishment dated 22.4.1994 was imposed. The defence taken in his written statement dated 11.4.1994 had been quoted in the order. The Superintendent of Post Offices, Darrang Division, Tezpur, held the applicant guilty of negligence, which led to the criticism by the Press about the affairs of the Post Office and, therefore, imposed penalty by withholding of increment for one year.

Learned Sr. C.G.S.C. Mr S. Ali submits that this application is premature on the ground of non-exhausting the remedies available to the applicant before approaching the Tribunal. Remedy by way of appeal against the impugned penalty is available to the applicant. Therefore, we propose not to comment as to the correctness or otherwise of the impugned order at this stage.

The application is not entertained and rejected.

The applicant is at liberty to prefer appeal to the appropriate authority, if so advised. In the event

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of filing appeal within 30 (thirty) days from today, the 14.6.1994, the appellate authority shall entertain the appeal treating it to be not barred by limitation.

Shagun
Vice-Chairman

Go
Member

Copy of the order may be furnished to the counsel for the parties.

nkm

By Order:*14/6/94*30.6.94

Copy of order dtd. 14.6.94
issued to all concerned
by Regd. Post and their
counsel also vide S/No.
2724-2729 dtd. 30.6.94

[Signature]

OFFICE NOTE

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COURT'S ORDER