

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.636/2018

Friday, this the 9th day of February 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Uday Kumar Varma, Member (A)

Virender Singh Lakra s/o late Shri Karan Singh
Age 55 years
Postal Assistant, Lodhi Road Head Post Office
New Delhi – 110 003

r/o House No.S-132, Gali No.2, Sanjay Colony
Narela, New Delhi – 110 040

..Applicant

(Mr. Kshitij Mudgal and Ms. Bandana Singh, Advocates)

Versus

1. Union of India through the Secretary
Department of Posts, Dak Bhawan
New Delhi – 110 001
2. The Chief Post Master General, Delhi Circle
Meghdoot Bhawan, New Delhi – 110 001
3. The Senior Superintendent of Post Offices
New Delhi South Division, Nehru Place
New Delhi – 110 019

..Respondents

O R D E R (ORAL)

Justice Permod Kohli:

This O.A. is directed against the order dated 29.11.2017 passed by the Chief Postmaster General in his capacity as a revisional authority. Vide the impugned notice, the show cause has been issued to the applicant to explain as to why the proposed enhancement of the penalty from reduction to Postman cadre with immediate effect for three years to that of compulsory retirement from service be not passed. The applicant has

already filed response thereto. The revisional authority is yet to take final decision. Learned counsel for applicant submits that earlier the O.A. No.796/2011 was filed by the applicant, which came to be decided by the Tribunal vide judgment dated 29.10.2016. Considering various aspects and issues raised by the applicant in the said O.A., the same was disposed of and following directions were issued:-

“12. Having held the impugned order dated 06.08.2010 as illegal and also violative of principles of natural justice, this OA is disposed of with the following directions:-

- (1) Impugned order dated 06.08.2010 passed by the respondent No.5 is hereby set aside.
- (2) The revisional authority, i.e., respondent No.2, who is seized of the revisional petition filed by the applicant is directed to decide the revision within a period of two months from the date of receipt of copy of this order.
- (3) As a consequence of setting aside the order passed by the respondent No.5, the applicant is entitled to be reinstated in service immediately.
- (4) In view of the setting aside of the order of compulsory retirement, the competent authority shall also decide about the payment of emoluments and other consequential benefits to the applicant in terms of Fundamental Rule 54-A within a period of two months.”

2. Direction No.(2) was to decide the revision petition within a period of two months from the date of receipt of a copy of the order. It is contended that the revisional authority has passed the order after a period of one year. From the impugned order, we find that the revisional authority has chosen to issue a notice for enhancement of penalty and under such circumstances, the question as to whether the revisional authority was required to finally dispose of the revision petition within the time specified by the Tribunal or not, remains to be seen. In any case, the revisional authority is seized of the

matter and only a show cause notice has been issued, to which the applicant has responded.

3. Under the given circumstances, we dispose of this O.A. with the following directions:

i) The revisional authority is directed to take a final decision on the show cause notice within a period of two months from the date of receipt of a copy of this order.

ii) The plea of the applicant that the revisional authority ceases to have the jurisdiction to decide the revision petition after the time granted by the Tribunal, particularly without seeking any extension of time. Learned counsel for applicant submits that he has already raised the question of limitation before the revisional authority. Under such circumstances, the revisional authority, who shall decide that question also in accordance with law.

iii) In the event the revisional authority passes any adverse order, the applicant shall have liberty to approach this Tribunal and the issue relating to the competence of the revisional authority to pass an order beyond the time prescribed shall remain open.

(Uday Kumar Varma)
Member (A)

(Justice Permod Kohli)
Chairman

February 9, 2018
/sunil/