

**Central Administrative Tribunal
Principal Bench**

OA No.4062/2017

Order reserved on : 21.11.2017
Order pronounced on : 27.11.2017

Hon'ble Ms. Nita Chowdhury, Member (A)

Kumar Gaurav Sharma,
S/o Late Shri Ashok Kumar Sharma,
Age 31 years,
R/o 30/1-C, P&T Quarter,
Kaali Baari Marg,
Gol Market,
New Delhi-110001.

...Applicant

(By Advocate : Shri Abhishek Kumar Choudhary)

Versus

1. Secretary Post,
Dak Bhwan,
New Delhi-110001.

2. The SSPO's , Senior Superintendent of Post Office,
New Delhi Central Division,
New Delhi-110001.

...Respondents

(By Advocate : Shri Manish Kumar)

ORDER

The applicant has filed the instant OA seeking the following reliefs :-

- “i) set-aside/quash the cryptic impugned orders dated 18/10/2017 **(Annexure-A/01)**, passed by the Respondent no.02;
- ii) to set-aside/quash the cryptic office orders dated 29/12/2016 **(Annexure-A/02)** passed by the Respondent No.02;

- iii) to direct the Respondents not to recover any amount from the Applicants, as per the law;

pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. It has been stated in the OA that the applicant has filed the same after he has duly exhausted the remedies available, as per rules.

3. Shri Manish Kumar, learned counsel for respondents vehemently opposed the institution of this OA and drew attention to the appeal of the applicant dated 11.11.2017 under Rule 23(2) of CCS (CCA) Rules against the penalty of recovery from the pay, imposed by the SSPOs New Delhi Central Dn. in case of Disciplinary proceedings under Rule 16 of CCS(CCA) Rules, 1965. He reiterates that this OA has been filed without waiting for a decision of the respondents in the appeal which has been dated 11.11.2017. A perusal of Annexure-A/5 makes it clear that the appeal has been filed a few days before filing of this OA and thus, it cannot be said that the applicant has exhausted all the remedies available to him, infact he has rushed to this Tribunal without awaiting the respondents' reply to his appeal.

4. In view of the above, the OA is disposed of at the initial stage itself, without going into the merits of the case, by directing the

respondents to pass a reasoned and speaking order on the appeal filed by the applicant dated 11.11.2017, enclosed as Annexure-A/5, within a period of 60 days from the date of service on them by the applicant. No costs.

(Nita Chowdhury)
Member (A)

'rk'