

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

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**ORIGINAL APPLICATION NO.290/00116/2018
WITH MA NO.290/00079/2018**

JODHPUR, THE 6TH APRIL,

**2018
CORAM:**

HON'BLE MR. SURESH KUMAR MONGA, MEMBER (J)

**R.K.SUTHAR S/O SHRI KESA RAM JI, AGED ABOUT 62 YEARS R/O 115 SHANTI
NAGAR, SIROHI (RAJASTHAN) PIN-307001 (RETD. SPO, BARMER).**

**...APPLICANT
(BY ADVOCATE: SHRI D.P.DHAKA)**

VERSUS

**1. UNION OF INDIA THROUGH THE SECRETARY, GOVERNMENT OF INDIA,
MINISTRY OF COMMUNICATION, DEPARTMENT OF POST, DAK BHAWAN,
NEW DELHI**

**2. THE DIRECTOR GENERAL, DEPARTMENT OF POST, MINISTRY OF
COMMUNICATION, DAK BHAWAN, SANSAD MARG, NEW DELHI – 110 001.**

3. THE CHIEF POST MASTER GENERAL, RAJASTHAN POSTAL CIRCLE, JAIPUR

4. SUPERINTENDENT OF POST OFFICES, BARMER DIVISION, BARMER (RAJ).

...RESPONDENTS

(BY ADVOCATE:)

ORDER (ORAL)

**THE INSTANT OA HAS BEEN PREFERRED BY THE APPLICANT U/S
19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985 SEEKING THE
FOLLOWING RELIEFS:-**

A. THAT BY WRIT ORDER OR DIRECTION THE MEMO OF CHARGE DATED 28.2.2016 AND PENALTY ORDER DATED 18.4.2016 MAY KINDLY BE DECLARE UNJUST, ILLEGAL AND DESERVES TO BE QUASHED AND SET ASIDE.

B. THAT BY WRIT ORDER OR DIRECTION THE RECOVERED AMOUNT MAY BE REFUNDED WITH INTEREST @ OF 18% PER ANNUM.

C. THAT THE RESPONDENTS MAY BE DIRECTED TO DECIDE THE APPEAL ON MERIT WHICH IS PENDING BEFORE THE RESPONDENT NO.2.

D. THAT ANY OTHER DIRECTION OR ORDERS MAY BE PASSED IN FAVOUR OF THE APPLICANT, WHICH MAY BE DEEMED JUST AND PROPER UNDER THE FACTS AND CIRCUMSTANCES OF THIS CASE IN THE INTEREST OF JUSTICE.

E. THAT THE COSTS OF THIS APPLICATION MAY BE AWARDED TO THE APPLICANT.

AN APPLICATION FOR CONDONATION OF DELAY IN FILING THE OA HAS ALSO BEEN FILED ALONG WITH THE OA.

2. THE APPLICANT WAS ISSUED A MEMORANDUM DATED 29.2.2016 (ANN.A/1) AND A DISCIPLINARY ACTION WAS PROPOSED AGAINST HIM. AFTER HOLDING INQUIRY, THE DISCIPLINARY AUTHORITY VIDE ITS ORDER DATED 18.04.2016 INFLICTED A PENALTY OF RECOVERY OF RS. 2 LAKHS UPON HIM. AGGRIEVED BY THE SAID ORDER, THE APPLICANT HAS PREFERRED AN APPEAL BEFORE THE DIRECTOR GENERAL, DEPARTMENT OF POST, MINISTRY OF COMMUNICATION DAK BHAWAN, SANSAD MARG, NEW DELHI-110001 ON 12TH FEBRUARY, 2018. THE GRIEVANCE OF THE APPLICANT IS THAT NO DECISION ON HIS APPEAL HAS BEEN TAKEN SO FAR.

3. AT THE VERY OUTSET, LEARNED COUNSEL FOR THE APPLICANT SUBMITTED THAT THE APPLICANT WOULD BE SATISFIED IF A DIRECTION IS ISSUED TO RESPONDENT NO.2 TO DECIDE HIS PENDING APPEAL WITHIN A TIME FRAME. HE FURTHER SUBMITTED THAT THOUGH THE APPLICANT HAS FILED THE APPEAL AFTER EXPIRY OF LIMITATION, BUT THERE IS A PROVISION IN THE RULES FOR CONDONATION OF DELAY IN FILING THE APPEAL.

4. IN VIEW OF THE ABOVE SUBMISSIONS MADE BY LEARNED COUNSEL FOR THE APPLICANT, WITHOUT GOING INTO MERIT OF THE CASE, I DEEM IT APPROPRIATE TO DISPOSE OF THE INSTANT OA WITH A DIRECTION TO RESPONDENT NO.2 THAT IN CASE THE APPLICANT HAS FILED AN APPEAL BEFORE HIM, THE SAME SHALL BE DISPOSED OF WITHIN A PERIOD OF THREE MONTHS FROM THE DATE OF RECEIPT OF A CERTIFIED COPY OF THIS ORDER BY WAY OF PASSING A REASONED AND SPEAKING ORDER IN ACCORDANCE WITH LAW. IN THE FACTS AND CIRCUMSTANCES

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OF THE CASE, THE DELAY IN FILING THE OA IS ALSO CONDONED.

**5. OA AND MA STAND DISPOSED OF IN ABOVE TERMS. NO ORDER
AS TO COSTS.**

(SURESH KUMAR

MONGA)

MEMBER (J)

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1