

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**ORIGINAL APPLICATION NO. 290/00303/16**

**JODHPUR, THIS THE 5TH DAY OF APRIL, 2018**

**CORAM**

**HON'BLE MR SURESH KUMAR MONGA, JUDICIAL MEMBER**

**VISHAL BHARADWAJ SON OF SHRI AMAR NATH BHARADWAJ, AGED ABOUT 43 YEARS, RESIDENT OF HOUSE NO. 136, 'G' BLOCK, SRIGANGANAGAR, AT PRESENT EMPLOYED ON THE POST OF HEAD POSTMASTER, HEAD POST OFFICE SRIGANGANAGAR-335001.**

**.....APPLICANT**

**BY ADVOCATE: MR A.K. KAUSHIK.**

**VERSUS**

- 1. UNION OF INDIA THROUGH SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF COMMUNICATION AND INFO TECH, DEPTT. OF POST, DAK BHAWAN, NEW DELHI.**
- 2. DIRECTOR POSTAL SERVICES, O/O THE POST MASTER GENERAL, RAJASTHAN WESTERN REGION, JODHPUR.**
- 3. SUPERINTENDENT OF POST OFFICES, SRIGANGANAGAR DIVISION, SRIGANGANAGAR-335001.**

**.....RESPONDENTS**

**BY ADVOCATE : MR K.S. YADAV.**

**ORDER (ORAL)**

**THE INSTANT OA HAS BEEN PREFERRED BY THE APPLICANT U/S 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985 LAYING DOWN A CHALLENGE TO AN ORDER DATED 24.05.2016 (ANNEX. A/2) PASSED BY SUPERINTENDENT OF POST OFFICES, SRIGANGANAGAR DIVISION, SRIGANGANAGAR IMPOSING UPON HIM A PENALTY OF RECOVERY OF RS 7 LACS.**

**2. MR K.S. YADAV, LEARNED COUNSEL FOR THE RESPONDENTS, AT THE VERY OUTSET, RAISED A PRELIMINARY OBJECTION THAT THE ORDER IMPUGNED HEREIN IS AN APPEALABLE ORDER IN TERMS OF RULE 23 OF THE CENTRAL CIVIL SERVICES (CLASSIFICATION, CONTROL & APPEAL) RULES, 1965.**

**3. THE FACT WITH REGARD TO AVAILABILITY OF THE REMEDY OF APPEAL HAS NOT BEEN DISPUTED BY MR A.K. KAUSHIK, LEARNED COUNSEL FOR THE APPLICANT. HE, HOWEVER, STATES THAT THE**

APPLICANT MAY BE GRANTED AN OPPORTUNITY TO FILE AN APPEAL BEFORE THE APPELLATE AUTHORITY IN ACCORDANCE WITH LAW AND DELAY IN FILING THE SAID APPEAL MAY BE ORDERED TO BE CONDONED BECAUSE THE APPLICANT WAS PURSUING THE REMEDY BEFORE THIS TRIBUNAL U/S 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.

4. IN THIS VIEW OF THE MATTER, WITHOUT GOING INTO MERITS OF THE CASE, I DEEM IT APPROPRIATE TO DISPOSE OF THE INSTANT OA WITH A LIBERTY TO THE APPLICANT TO FILE AN APPEAL AGAINST THE ORDER DATED 24.05.2016 (ANNEX. A/2) BEFORE THE APPELLATE AUTHORITY AND IF SUCH AN APPEAL IS FILED WITHIN A PERIOD OF 15 DAYS FROM TODAY, THE APPELLATE AUTHORITY SHALL ENTERTAIN THE SAME WITHOUT RAISING THE OBJECTION OF LIMITATION AND SHALL TAKE A DECISION ON MERITS, WITHIN A PERIOD OF 03 MONTHS THEREAFTER. IN THE MEANTIME, NO RECOVERY PURSUANT TO ORDER DATED 24.05.2016 (ANNEX. A/2) SHALL BE AFFECTED FROM THE APPLICANT.

5. ORDERED ACCORDINGLY. NO ORDER AS TO COSTS.

(SURESH KUMAR MONGA)

MEMBER (J)

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