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## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A.No.350/00661 /2017

In the Matter of :

An application u/s 19 of the  
A.T.Act, 1985;

-And-

In the Matter of :

Nirmalendu Das, son of Lt.  
Madhab Chandra Das, aged  
about 53 years, working for  
gain as Postal, Asstt.,  
Registration/Despatch, Park  
St. Head Post Office, Kolka-  
ta-700 016; residing at  
Shaktigarh, P.O.Birati,  
Kolkata-700 051.

.. Applicant

-Vs-

- 1) Union of India through the  
Secretary, Ministry of Commu-  
nications & Information Tech-  
nology, Deptt. of Posts,  
Dak Bhawan, New Delhi-110001.
- 2) The Chief Postmaster  
General, W.B.Circle, Yogayog  
Bhawan, Kolkata-700 012.
- 3) The Director of Postal  
Services, Office of the Post  
-master General, South Bengal  
Region, W.B.Circle, Kolkata

*Nirmalendu Das**SL*

No. O.A. 350/00661/2017

Date of order: 18.5.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Mr. N. Chatterjee, Counsel

For the Respondents : Mr. A.K. Chattopadhyay, Counsel

**ORDER (Oral)**

**A.K. Patnaik, Judicial Member:**

Heard Mr. N. Chatterjee, Ld. Counsel for the applicant and Mr. A.K. Chattopadhyay, Ld. Counsel for the respondents.

2. We find that this O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 with the following prayers:-

"i) To direct the respondents to cancel, withdraw and/or rescind the chargesheet dated 23.8.2013 and order of punishment dated 10.4.2017 as contained in Annexures "A-1" & "A-3" herein respectively;

ii) To direct the respondents not to recover any sum from the pay pocket of the applicant in terms of the order of punishment dated 10.4.2017 till the disposal of this application;

iii) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;

iv) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

3. With the assistance of Mr. A.K. Chattopadhyay, we came across the disciplinary authority's order and Mr. Chattopadhyay forcefully submitted that the applicant has not preferred any appeal before the authority rather has rushed before this Tribunal praying for quashing of the order of the disciplinary authority. Mr. Chattopadhyay further submitted that this Tribunal should not entertain this O.A. as statutory remedy has not been exhausted.

4. We are satisfied with arguments advanced by Mr. Chattopadhyay. Mr. Chatterjee, Ld. Counsel for the applicant prayed for liberty of this Tribunal to approach the appellate authority by making an appeal within a

period of 10 days from today. Mr. Chatterjee further prayed that the appellate authority may be directed to stay further recovery from the applicant's salary.

5. As we are disposing of this O.A. by granting liberty to the applicant to prefer an appeal, we direct that the appellate authority shall consider and dispose of the appeal, if it is preferred within a period of 10 days from today, by way of a well-reasoned order within a period of three months from the date of receipt of the appeal under communication to the applicant. We also grant liberty to the applicant to approach the appellate authority to stay the order passed by the disciplinary authority so far as recovery is concerned and we hope and trust that the appellate authority will consider the grievance of the applicant as per rules and regulations in force.

6. A copy of this order be handed over to Ld. Counsel for both sides and the applicant is at liberty to annex copy of this order along with the appeal memo and submit the same before the appellate authority within a period of 10 days from today.

7. The O.A. is accordingly disposed of.

(Jaya Das Gupta)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

SP