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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**



No. O.A. 350/00687/2016

Date of order : 25.7.2016

**Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member**

GATI GOBINDA RAJAK

- VS -

UNION OF INDIA & ORS. (Posts)

For the Applicant : Mr. A.K. Banerjee, Counsel

For the Respondents : Ms. P. Goswami, Counsel

ORDER

Per Ms. Bidisha Banerjee, Judicial Member:

Heard both the parties.

2. It could be noticed that in an earlier round of litigation in O.A. No. 350/01004/2015 this Tribunal had given liberty to the applicant to prefer an appeal before the appellate authority against the suspension order and seek enhancement of subsistence allowance.

3. The appeal was preferred before the Inspector of Posts; but the Inspector of Posts happened to be the disciplinary authority in the case of the applicant. Therefore, the appeal had to be preferred before the next higher authority. The appeal was preferred wrongly before the same authority i.e. the Inspector of Posts.

4. Therefore, the applicant is directed to prefer an appeal before the appellate authority who is the next higher authority in rank of the Inspector of Posts within a period of 15 days from the date of receipt of a copy of this order, which if preferred will be disposed of by the appellate authority within two months from the date of receipt of copy of the appeal. It is made clear that we have not gone into the merits of the case. All points are kept open

for consideration by the concerned respondents.

5. The appellate authority is directed to consider the appeal of the applicant in terms of our earlier order.

6. The O.A. is, accordingly, disposed of. No costs.

(Jaya Das Gupta)
MEMBER(A)

(Bidisha Banerjee)
MEMBER(J)

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