

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

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OA. 350/01287/2016

Date of Order: 30.08.2016

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Uday Kumar Varma, Administrative Member

Nitai Manna
Vs.
Posts

For the Applicant : Mr. P C Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : None

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

Despite notice no one appears on behalf of the respondents.

2. The applicant is aggrieved with the communication order dated 22.07.2016 issued by the Assistant Superintendent of Post Offices, Central Kolkata 2nd & 1st Sub Division, Kolkata whereby and whereunder the appointment of the applicant was cancelled and he has been terminated from the service in Postman cadre as per the Provision of CCS (Temporary Service) Rules, 1965.

2. Learned counsel for applicant during the course of hearing, invited our attention to the order dated 12.09.2014 passed by this Tribunal in OA. 966/2011 wherein under identical circumstances a termination order of a GDSSV employee who was promoted to the cadre of Postman, issued invoking CCS (TS) Rules, was declared as ultra vires the terms of appointment.

3. Learned counsel for applicant submitted that the applicant has preferred an appeal before the SSPOS, Central Division on 19.08.2016 against the said termination order.

4. In our considered opinion, since an appeal has been preferred before the appellate authority against the termination order and statutory remedy is provided under the rules, the appellate authority should be directed to dispose of the pending appeal in a time bound manner.

8.

5. Accordingly, we direct the respondent no. 4 to forward the appeal to SSPOS, within a period of one week from the date of receipt of a copy of this order. Upon receipt of the said appeal the SSPOS or any other competent appellate authority shall dispose of the appeal, in accordance with law and to pass an appropriate reasoned and speaking order on the same within a period of 3 months from the date of receipt of a copy of this order.

6. It is made clear that we have not gone into the merits of this matter and therefore all points are kept open for consideration by the respondents' authorities.

7. While disposing of the appeal the authorities shall also take into consideration of the order passed by this Tribunal as indicated supra, as ~~relied~~ upon by the applicant.

8. The termination order shall abide by the result of the appeal.

OA is accordingly disposed of. No costs.

(Uday Kumar Varma)
Member (A)

(Bidisha Banerjee)
Member (J)

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