

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO. 457 OF 2017

Date Of Decision:- 11.09. 2018.

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A).
HON'BLE SHRI. R. N. SINGH, MEMBER (J).**

Shri. Nivrutti Vithal Arote, S/o.

Age 55 years,
Working as Public Relation Inspector,
Sion PO, Mumbai 400022, residing at B003
Shivprasad Co-op Hsg Society Ltd.
Sector- 12D, Koparkhairne,
Navi Mumbai 400709.

....*Applicant*

(Applicant by Advocate Shri. R.B. Kadam)

Versus

1. Union of India,
Through The Secretary,
Department of Posts, Ministry of Communication & IT, Dak Bhavan
Sansad Marg, New Delhi 110001.

2. The Chief of Postmaster General
Maharashtra Circle, Mumbai GPO,
Mumbai 400001.

3. The Postmaster General
Mumbai Region, Mumbai GPO,
Mumbai 400001.

4. The Senior Superintendent of Post,
Mumbai North-East Division,
Bhandup (East) Mumbai 400042.

....*Respondents*

(Respondents by Advocate Shri. R.R. Shetty)

ORDER (ORAL)

PER:- SHRI. R. N. SINGH, MEMBER (J).

Shri. R.B. Kadam, learned counsel for applicant.

Shri. R.R. Shetty, learned counsel for respondents.

2. By the present OA, the applicant has challenged the order dated 08.06.2017 (Annexure A-1) by which the disciplinary authority

has passed following order:-

ORDER

“I, Prakash Shewale, Sr. Supdt. of Post Offices, Mumbai North East Dn. Mumbai 400042 by virtue of powers vested in me vide Rule 12 of CCS (CCA) Rules 1965 hereby order that amount of Rs. 3,94,574/- be recovered from the pay of Shri. N.V. Arote in 35 equal installments of Rs. 10960/- per month starting from the pay for the month of June 2017 and the last installement of Rs. 10974/- i.e. the balance amount will be the recovered from the pay for the month of May 2020.”

3. The learned counsel for the applicant very fairly admits that against such disciplinary order there is provisions for a statutory appeal. However the applicant has not preferred any statutory appeal before the Appellate Authority and has rushed to the Tribunal by way of this OA. The learned counsel for the respondents draws our attention to the reply filed on behalf of them wherein the respondents have taken preliminary objections with regard to the maintainability of the OA by asserting that the applicant has not preferred any appeal or petition against the said order of punishment issued by the SSPO till the date and therefore, the OA is pre-matured and without any cause of action.

4. In view of the above, we have considered the matter and we find that the OA is pre-matured and applicant has approached this Tribunal without availing the alternate remedy of statutory appeal and

therefore, the OA is dismissed. With no orders as to cost.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

srp