

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.169/2019 with MA No. 174/2019

This the 01st day of May, 2019

Shri Ashokbhai Navjibhai Baranda
DOB 01.6.1965 , Age 54 years
Son of Shri Navjibhai Vajaji Baranda
Gramin Dak Sevak,
Branch Postmaster, Bhanmer Branch Post Office,
P.O. Takatuka – 383 246, District : Aravali
Residing at : Dhansor, P.O. Takatuka 383 246.
District. : Aravali..... Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
Secretary to the Govt. of India
Ministry of Communication and I.T.
Department of Posts, Dak Bhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Postal Circle,
Khanpur, Ahmedabad 380 001.
3. The Postmaster General
Ahmedabad (HQ) Region,
Speed Post Complex
Shahibag, Ahmedabad.
4. Superintendent of Post Offices
Sabarkantha Division,
Himatnagar 383 001. Respondents

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

The backdrop facts, which has emerged from the records are that applicant, namely Shri A.N. Baranda, during the period from 26.7.1997 to 21.4.1998 while was working as BPM, Dhansor B.O. in account allegedly made misappropriation of Govt. money, he was proceeded under Rule 8 of EDA (C&S) Rules, 1964 and after completion of the proceedings was dismissed from the Govt. service. Against order of dismissal from service he preferred an appeal which was also rejected and Revisional appeal too was rejected vide order dated 13.1.2003. Aggrieved by said Orders he preferred OA No.213/2003 and the Tribunal vide Order dated 28.11.2003 quashed and set aside the orders of Disciplinary and Appellate Authorities and directed to reinstate the applicant into service with immediate effect with full salary. Respondents preferred SCA No. 4700/2004 before Hon'ble High Court of Gujarat and Hon'ble High Court directed the Tribunal to reconsider the case of the applicant and after remand back Tribunal, vide its Order dated 04.12.2012 directed the respondents to pass order imposing a penalty lesser than the penalty of Dismissal from the Government Service but respondent assailed said Order dated 04.12.2012 passed by the Tribunal in SCA No.8321/2013,

which was rejected by Hon'ble High Court, vide order dated 09.09.2014 with direction to implement the order of the Tribunal within three months. Said order of Hon'ble High Court of Gujarat was challenged before Hon'ble Supreme Court vide SLP No. 8355/2015 but SLP was also dismissed on 11.5.2015.

2. In said factual matrix respondent passed order dated 22.06.2015, Annexure A-1 whereby applicant was reinstated in service and punishment of debarring from being considered for the recruitment cadre of MTS (GR D) was inflicted. It was also incorporated in said order dated 22.6.2015 that his service w. e. f. 22.04.1998 to till date of reinstatement will be regularised as per rules/instruction of the Government.

3. The grievance of the applicant, as has been raised in instant OA is that already four years have been passed after 22.06.2015 but respondents have not taken any decision regarding regulating of his service. That he has made representations dated 06.7.2017 and 30.7.2018, copy of which is annexed as Annexure A-4 and Annexure A-5 of the OA, but the same are pending for consideration. The OA has been preferred along with MA No.174/2019 condonation of delay.

4. The matter is initial stage of notice. Heard. Having taken note of entirety, MA No. 174/2019 is allowed and delay in filing OA thus is condoned.

At this stage, the learned counsel for applicant submits that applicant would be satisfied if direction is given to the respondents to decide pending representations of the applicant within stipulated time frame.

5. Consider the submission. Respondents are directed to consider the representations of the applicant and to take decision thereon within a period of two months from the date of receipt of a copy of this order. Needless to say whatever decision has been taken by the respondents, the same shall be communicate to the applicant.

6. With the above directions, the OA stands disposed of. No order as to costs.

(M.C.Verma)
Member (J)

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