

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

OA No.554/2018

This the 20th day of December, 2018

Shri Maganbhai D.Rathwa
S/o. Devjibhai Rathwa
Aged 54 years
P.A. Waghodia under Fatehgunj, Vadodara.
Residing at : 690, Vaikunth-1, Bapod Jakatnaka
Waghodia Road, Vadodara 390 019. Applicant

(By Advocate : Ms. S.S.Chaturvedi)

VERSUS

1. Union of India
Notice to be served through
Chief Post Master General
Khanpur, Ahmedabad 380 001.
2. Postmaster General
Pratap Gunj, Vadodara Region
Vadodara 390 002.
3. Senior Supdt. of Post Office
Vadodara West Division
Vadodara 390002.
4. Director Postal Services
Vadodara Region, Pratapgunj,
Vadodara 390 002. Respondents

ORDER – ORAL

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

The grievance of the applicant is that while he was working as Postal Assistant Atladara Post Office, Respondent No.3 issued charge sheet under Rule 16 of CCS (CCA) Rules, 1965. In responses to the same, the applicant preferred representation dated 09.2.2017 to the respondents and the Disciplinary Authority, rejecting the representation of the applicant inflicted punishment of recovery of Rs.1,54,350/- in fourteen installment of Rs.10000 and last installment of Rs.14350/- from the pay and allowance of the applicant and withheld next increment for a period of 06 months without cumulative effect. That applicant preferred, appeal dated 17.07.2017 to the Appellate Authority for quashing of the penalty order. That when appeal was not decided, the applicant approached this Tribunal by filing OA No. 556/2017 and Tribunal gave direction to the respondents to decide the appeal. That Appellate Authority rejected said appeal on 05.11.2018 and preferred Revision Petition, on 17.12.2018 is still pending with the Revisionary Authority. Instant OA

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has been preferred for quashing and setting aside of Orders dated 5.11.2018, 08.6.2017, 24.1.2017 passed by the respondents.

2. Learned counsel for applicant pressed the OA. From the pleadings of the OA, it reflects that applicant has preferred Revision Petition dated 17.12.2018 and the same is still pending. At this stage, learned counsel, request to give some direction to the respondents to dispose off the Revision Petition within stipulated frame work of time and that department may also be directed not to affect recovery till disposal of the appeal. She submits that Tribunal may stay the recovery.

3. Considered the submissions. Section 20 of the Administrative Tribunals Act, 1985 provides that if a period of six months from the date on which appeal/representation etc. was preferred has expired but no final order on appeal is passed, the person concerned may invoke the jurisdiction of this Tribunal for redressal of grievances. From factual matrix of the case, it is undisputable that applicant has preferred the Revision Petition on 17.12.2018 and OA was preferred on

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19.12.2018. In view of the matter, we find that applicant, in haste preferred the OA, he ought to have wait at least for six months for outcome of the Revision Petition and thus instant is premature. Instant OA thus is disposed off with direction to the Respondents to consider and dispose off the Revision Petition, dated 17.12.2018 of the applicant, if is lying pending with the respondents, within a period of two months from the date of receipt of this order and so long said Revision Petition remains pending, recovery shall not be affected.

4. No order as to costs.

5. Dasti service of this Order is permitted as has been requested by learned counsel for applicant.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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