

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00106/2019

Dated Monday the 4th day of February Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

S.Subbarayan,
61 A2, B3, Second Floor,
Kandasamy Vathiyar Street,
Dharmapuri 636701.

....Applicant

By Advocate M/s. R. Jayaprakash

Vs

1.Union of India,
rep by its Secretary,
Department of Posts,
Government of India,
Dak Bhavan,
Sansad Marg, New Delhi 110001.

2.The Chief Post Master General,
Anna Salai,
Mount Road, Chennai 600002.

3.The Member (Personnel),
Department of Posts,
Dak Bhawan,
Sansad Marg, New Delhi 110001.

4.The Superintendent of Post Offices,
Dharmapuri Division,
Dharmapuri Dist 636701.

....Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following reliefs :

"a. To direct the respondents to convert the punishment of removal from service on 30.04.2013 vide the proceedings in Memo No. F1/6/2011-12/IV as compulsory retirement and consequently to pay all the monetary benefits by considering the applicant's mercy petition dated 13.06.2018 and pass appropriate orders.

b. pass such further or other orders as this Court deem fit and proper and render justice."

2. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and submits that the applicant had filed the OA 1090/2018 which was dismissed as withdrawn by an order dt. 27.08.2018 in the light of the submission that he wished to await the decision of the competent authority on his mercy petition. As the petition is still pending, there is no fresh cause of action. Further, the 2nd respondent is not competent to decide the mercy petition and the matter had to be addressed by the 3rd respondent.

3. We have considered the submission. It is evident that Annexure A6 representation dt. 13.06.2018 of the applicant addressed to the 3rd respondent has not yet been disposed of by the competent authority. Under such circumstances, the question of entertaining this OA does not arise.

4. Keeping in view, however, the submission made on behalf of the applicant but without going into the substantive merits of the case, since the petition is still pending, the 3rd respondent is directed to take a view on the same and pass an appropriate order in accordance with law and in the light of the facts

of the case within a period of four months from the date of receipt of a copy of this order.

5. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

04.02.2019

SKSI