

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A No. 1547/2014

This the 24th day of August, 2019

**Hon'ble Mr. R. N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Atar Singh, Age 51 years
S/o. Govind Dass
Last employed as EDSPM, Farrukhnagar,
Ghaziabad
R/o. 173, Gajju Katra, Barra Bazar,
Shahdara, Delhi. ...Applicant

(By Advocate : Mr. Abhishek Mishra)

Versus

1. Union of India
(Through the Secretary Posts)
Ministry of Communications & IT
Department of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi-110 116.
2. Chief Post Master General
U.P. Circle,
Lucknow-220 001.
3. Director Postal Services,
Ghaziabad Division,
Ghaziabad-201 002.
4. Vigilance Officer,
O/o. Chief Postmaster General
U.P. Circle, Lucknow-220 001.
5. Superintendent of Post Offices
Ghaziabad Division,
Ghaziabad – 201 002. ...Respondents

(By Advocate : Dr. CH. Shamsuddin Khan)

O R D E R (O R A L)**Sh. R. N. Singh, Member (J) :**

In the present O.A the applicant has challenged the order dated 12.04.2012 (Annexure A-22) and letter dated 10.09.2012 (Annexure A-24). In the order dated 12.04.2012 passed by the Chief Postmaster General (CPMG), U.P Circle, Lucknow reads as under:-

“Shri Atar Singh, the then EDSPM Farrukhnagar under Ghaziabad HO was removed from service vide SPOs Ghaziabad Memo No. F-4/1/88-89/Disc. Dated 20.02.89 on the charge of alleged misappropriation of amount of RD deposit. A FIR was also lodged against him at PS Sahibabad under case crime No. 132/89 u/s 409 IPC. This criminal case No. 3154/2004 was decided by the Judicial Magistrate, Ghaziabad vide judgment dated 24.01.2009 in which the applicant was exonerated because prosecution side failed to prove the documentary evidence.

2. On the basis of above judgment, the said Shri Atar Singh submitted his representations dated 10.06.2009 for his reinstatement in service to the SPOs Ghaziabad which was rejected by SPOs Ghaziabad vide his letter No. F-4/1/88-89/Disc. dated 07.09.2009. He submitted representation dated 24.12.2009 to the DPS Ghaziabad vide his Memo No. F-4/1/88-89 dated 6.4.2010. Against the decision of DPS Ghaziabad, he submitted his representation dated 13.02.2012 to Postmaster General, Department of Posts, Lucknow.

3. The order of removal from service of the said Shri Atar Singh issued by SPOs Ghaziabad was not competent to review his own order. As such, the orders issued by SPOs Ghaziabad and DPS Ghaziabad are against the provisions or statutory rules.

4. In view of above discussion, orders issued by SPOs Ghaziabad and DPS Ghaziabad, referred to above, are quashed with direction that the aggrieved applicant, if he so desires, can prefer I is appeal to the Appellate Authority.”

2. Vide impugned letter dated 10.09.2012, the applicant was advised that if the applicant is aggrieved by the impugned order dated 12.04.2012 he can prefer an

appeal before the competent authority indicating his designation and by sending the same to his office i.e., office of Vigilance Officer, office of the CPMG, UP Circle, Lucknow.

3. It is an admitted case of the applicant that in pursuance of the letter dated 10.09.2012, the applicant has not preferred any appeal to the competent appellate authority. At this stage, learned counsel for applicant under instructions from the applicant, who is present in the Court, seeks permission to withdraw the present O.A, with liberty to prefer a statutory appeal in the matter before the competent authority, within 15 days of receipt of a certified copy of this order.

4. In view of the aforesaid, the present O.A is dismissed as withdrawn with liberty to the applicant to prefer a statutory appeal in pursuance of the letter dated 10.09.2012 of the respondents, within two weeks of receipt of this order and in case such an appeal is received by the appellate authority within such time frame, the appellate authority shall consider the same and pass an appropriate reasoned and speaking order within eight weeks of receipt of such an appeal in accordance with the relevant rules and instructions on the subject. As the applicant has filed the O.A in 2014 and the same has been pending adjudication

before this Tribunal, the appellate authority shall deal with the statutory appeal on merit and shall condone the delay in preferring such an appeal. No costs.

(Aradhana Johri)
Member (A)

(R. N. Singh)
Member (J)

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