

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**O.A. No.60/917/2019
M.A. No.60/1577/2019**

Date of decision: 01.10.2019.

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MS. ARCHANA NIGAM, MEMBER (A).**

...

Ankit Singh, aged about 25 years, son of Maha Singh, Postal Assistant, Sector-15, Panchkula, resident of VPO Ghirai, Tehsil Hansi, District Hisar.

**... APPLICANT
VERSUS**

1. Union of India through its Secretary, Ministry of Communication and Information Technology, Department of Posts, Head Quarters, Dak Bhawan, Sansad Marg, New Delhi.
2. Appellate Authority-Director Postal Service Ambala, Circle Office, Ambala.
3. Senior Superintendent of Post Offices, Ambala Division, Ambala-133001.
4. Inquiry Officer-Cum-Assistant Superintendent of Post Office (Division), Ambala Division, Ambala-133001.

... RESPONDENTS

PRESENT: Sh. Aman Dhir, counsel for the applicant.
Sh. Sanjay Goyal, counsel for the respondents.

ORDER (Oral)

...

SANJEEV KAUSHIK, MEMBER (J):-

1. Present M.A. has been filed by the applicant for staying the impugned inquiry report dated 19.3.2019 (Annexure A-11) and order dated 18.4.2019 (Annexure A-12), whereby the applicant has been awarded

punishment of dismissal from service and he has been rendered disqualified for future employment.

2. We have heard learned counsel for the applicant, who argued that no doubt prayer of the applicant for stay had been declined while issuing notice of motion on 3.9.2019 but necessity arose for filing the present M.A. when similarly person has been granted stay by the Hon'ble High Court in CWP No.27001-2019 titled **Sandeep Kohar vs. Union of India and Ors.** on 20.9.2019. Thus, he submitted that since similarly placed person has been granted interim stay, therefore, similar order be passed in his case also. When we were not inclined to review our order rejecting stay, he submitted that applicant has been selected as Constable in State of Haryana but could not join that post because of disqualification for future employment as indicated in impugned order. Therefore, he submitted that at least last part of the impugned order of dismissal whereby he has been disqualified for future employment be stayed so that he can join the post on which he has been selected. He also informs this Court that he preferred appeal against the impugned order of dismissal but that has also not been decided despite various representations, thus, he submitted that in alternative let a direction be issued to Appellate Authority to decide his appeal at the earliest possible considering that he has been appointed as Constable in Haryana Police.

3. Issue notice.
4. Sh. Sanjay Goyal, SCGSC, appears and accepts notice on behalf of the respondents. He does not object to prayer of the applicant for decision on his pending Appeal.

5. In the wake of above noted fact, we are of the considered view that this petition is premature as his appeal is pending consideration, therefore, we dispose of this petition in limine, with a direction to the Appellate Authority to decide his pending appeal within a period of ten days from the date of receipt of a certified copy of this order. Applicant is also given opportunity to make further representation in addition to his appeal narrating additional facts, which may also be taken into consideration while deciding his appeal.
6. Accordingly, the M.A. along with O.A. is disposed of in the above terms. No costs.

**(ARCHANA NIGAM)
MEMBER (A)** **(SANJEEV KAUSHIK)
MEMBER (J)**

Date: 01.10.2019.
Place: Chandigarh.

'KR'