

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00243/2019

Date of Order: This, the 09th day of August 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Hari Kanta Kalita, Son of Sanchita Ram Kalita
Retd. Asst Postmaster, Guwahati GPO
Resident of Fatasil Ganeshpara
P.O. – Ambari Fatasil – 781025
District – Kamrup, Assam.

...Applicant

By Advocates: Sri D.N. Sharma

-Versus-

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Communications & I T
Department of Posts, Dak Bhawan
New Delhi – 110116.
2. The Director Postal Services (HQ)
O/o the Chief Postmaster General
Assam Circle, Meghdoot Bhawan
Guwahati – 781001.
3. The Sr. Superintendent Post Offices
Guwahati Division, Guwahati – 781001.

...Respondents

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

The present O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act 1985 seeking the following reliefs:-

“8.1 To set aside and quash the impugned punishment order under Memo No. E2/SB/Minus Balance/09-10/9 Basistha) dated 30.12.2011 issue by the respondent No. 3. And refund the amount of recovery of Rs. 1,38,963/- with interest.

(II) to dispose of the appeal dated 07.05.2018.

(III) to dispose of the representation dated 18.02.2019.

8.2 Any other relief (s) which the applicant is entitled to as the Hon'ble Tribunal may deem fit and proper.”

2. The limited prayer made by Sri D.N. Sharma, learned counsel for the applicant, at the outset of his argument, is against the impugned order No. E2/SB/Minus Balance/09-10 (Basistha) dated 30.12.2011 by which the Disciplinary Authority had imposed a penalty of recovery of Rs. 1,38,963/- from the pay and allowances/leave salary/GPF etc. in one installment from the applicant.

3. It was submitted by Sri Sharma that penalty which was imposed, has already been affected and the recovery was made. However, appeal made before the respondent authority on 23.12.2012 is still pending. Learned counsel has drawn my attention to the appeal dated 23.02.2012 where the registered postal receipt dated 24.02.2012 appears and it was presumed that the said appeal was deemed to be served upon the Appellate Authority. According to the learned counsel, applicant is expecting that the Appellate Authority may consider his case properly and may reduce the punishment. Accordingly, learned counsel prays that the pending appeal may be disposed of by the Appellate Authority within a time frame.

4. After hearing the learned counsel for the applicant, perusal of the pleadings and material placed on record, as the limited prayer of the learned counsel for the applicant is for a direction upon the Appellate Authority for disposal of the pending appeal dated 23.02.2012, by accepting the said prayer, I direct the Appellate Authority i.e. Director of Postal Services (HQ), Assam Circle, Guwahati to dispose of the pending appeal dated 23.02.2012, if so filed, within a period of two months' from the date of receipt of a copy of this order.

5. With the above directions, O.A. stands disposed of at the admission stage. There shall be no order as to costs.

**(MANJULA DAS)
MEMBER (J)**

PB