

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.061/00954/2019
Chandigarh, this the 12th day of September, 2019

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

...

Sunil Kumar Sawhney son of Late Sh. Om Parkash Sawhney aged 60 years, resident of House No. 87 A, Near Water Tank, Rajpura Road, Subhash Nagar, Jammu -180005.

....Applicant

(Present: Mr. Puneet Gupta, Advocate)

Versus

1. Union of India, Ministry of Communications and Information Technology, Department of Telecommunications, Sanchar Bhawan, Ashoka Road, New Delhi through its Secretary - 110001.
2. Department of Posts, Dak Bhawan, Ashoka Road, New Delhi through its Secretary - 110001.
3. The Member Finance, Department of Tele Communication, Sanchar Bhawan, Ashoka Road, New Delhi - 110001
4. The Chief Post Master General, Jammu and Kashmir Circle, Meghdoot Bhawan, Bahu Plaza, Rail Head Complex, Jammu - 180012.
5. The Director of Accounts (Postal), Jammu and Kashmir Circle, Bakshi Nagar, jammu - 180001.
6. The Controller of Communication, Jammu and Kashmir, HUDCO Bhawan, Rail Head Complex, Jammu - 180012.

.....

Respondents

(Present: Mr. Sanjay Goyal , Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Heard.
2. Learned counsel has challenged the charge-sheet dated 02/08.09.2015 (Annexure A-1), Inquiry Report dated 01.08.2019

(Annexure A-20) and order dated 27.08.2019 (Annexure A-22) whereby he has been imposed penalty of removal from service.

3. Applicant, admittedly, has approached this Court, without availing the remedy of filing an appeal against the punishment order, available to him, under Section 23 of CCS (CCA) Rules 1965.

4. When this Court was not inclined to entertain this O.A. for want of efficacious remedy of appeal as it has been held time and again that Court will not entertain petition without availing alternative remedy, learned counsel for the applicant seeks permission to withdraw the O.A, to enable him to file an appeal within one week from today and prayed that a direction be issued to the Appellate Authority to decide the same within the time stipulated under Rule i.e. 30 days from the date of receipt of appeal, as per O.M. dated 15.05.1971, issued in this connection.

5. Learned counsel submitted that while passing the order of removal, the Competent Authority has not considered the case of the applicant for grant of compassionate allowance under Rule 41 of CCS (CCA) Rules, 1965. He prayed that the Appellate Authority be directed to consider this aspect as well along with other pleas being raised in the appeal.

6. Issue notice to the respondents.

7. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He submitted that if an appeal is filed by the applicant, the same would be decided in accordance with rules and instructions issued by the Govt. of India from time to time on the issue, within stipulated period.

8. In the wake of above, I deem it appropriate to dispose of the O.A., in limine, with a direction to the respondents that if an appeal is filed by the applicant within seven days from the date of receipt of a copy of this order, the same be decided in accordance with law, within a period of 30 days from the receipt thereof, by passing a reasoned and speaking order and a copy be duly communicated to the applicant. Ordered accordingly.

9. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

'mw'

