

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

O.A.299/2019

Dated this Wednesday the 1st day of May, 2019

Coram: Dr. Bhagwan Sahai, Member (A).
Shri R. N. Singh, Member (J).

1. Vitthal Tukaram Bhosale
Age 52 years, Ex. Gramin
Dak Sevak, (R/at: At Post
Guroli, Rajewadi,
Tal. Purandar, Dist. Pune-412 104.

...Applicant.

(By Advocate Ms. Neelima Gohad).

Versus

1. Union of India, through
The Secretary,
Ministry of Communication and IT,
Sanchar Bhavan, New Delhi-110 001.
2. The Chief Postmaster General,
Maharashtra Circle,
Office of G.P.O.,
Mumbai, Mumbai 01.
3. The Postmaster General,
Pune Region, Pune-411 001.
4. The Office Superintendent,
Postal Services,
Pune Gramin Region,
Pune-411 042.
5. The Director,
Postal Services,
Pune Region,
Pune-411 001.

... Respondents.

O R D E R (O R A L)Per : R. N. Singh, Member (Judicial)**Present.**

1. Ms. Neelima Gohad, learned counsel for the applicant.

2. Heard the learned counsel for the applicant. We have carefully perused the case record.

3. The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"(a) To allow the original application,

(b) To quash and set aside the impugned order dated 28.09.2017 passed by the Respondent no.4,

(c) To grant all consequential benefits like payment of back wages leave, increment etc., refund of Rs.50,000/- with penal interest on all payments.

(d) To pass any other just and appropriate orders in the facts and circumstances of the case,

(e) To impose heavy cost to the application."

4. The learned counsel for the applicant submits that the applicant has been removed from the service illegally and arbitrarily by the impugned order dated 28.09.2017. She further

submits that as the impugned order itself was in Marathi language, the applicant has preferred the statutory appeal dated 03.11.2017 to the respondent no.5 (Annexure A-2) in Marathi language. However, the said appeal was not considered and decided by the Appellate Authority even after the lapse of sufficient time. The applicant was told that the same shall be considered only when the applicant shall submit the appeal in English language. We do not understand as to why they have insisted for the appeal in English Language from the applicant when the Disciplinary Authority has passed and issued the disciplinary order in Marathi language. Be that as it may, as required by them, the applicant has submitted the English translation of the said appeal on 16.02.2018 (Annexure A-3). The learned counsel for the applicant submits that till date, the said appeal is lying pending consideration of the respondent no.5.

5. The learned counsel for the applicant submits that the applicant shall be satisfied if the OA is disposed of at this stage with direction to the respondent no.5 to consider the pending appeal dated 03.11.2017 whereof English translation

is stated to have been submitted by the applicant on 06.02.2018 in time bound manner.

6. In view of the aforesaid, the OA is disposed of with direction to the respondent no.5 to consider the aforesaid pending appeal dated 03.11.2017 (Annex A-2) read with English translation thereof, stated to have been submitted on 06.02.2018 (Annex A-3) in accordance with relevant rules and instructions on the subject and dispose of the same by passing a reasoned and speaking order within eight weeks from today and communicate the same to the applicant within two weeks thereafter.

7. In the above terms, the OA is disposed of.
No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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