

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD**

This is the 23<sup>rd</sup> day of **OCTOBER, 2019**.

**ORIGINAL APPLICATION NO. 330/1096/2019**

**HON'BLE MS AJANTA DAYALAN, MEMBER (A)**  
**HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J)**

1. Jitin Kumar S/o Shri Shobha Ram, R/o Mohalla-House No. 417-6/4, Indira Colony Sarvat Road Civil Lines, Muzaffar Nagar, P.S. Nai Mandi, District-Muzaffar Nagar.

.....Applicant.

**VERSUS**

1. Union of India through the Secretary, Post and Telecommunication Department, New Delhi.  
2. Chief Post Master General, U.P. at Lucknow.  
3. Director, Postal services Bareilly Region, Bareilly.  
4. Senior Superintendent of Post Offices, Muzaffar Nagar Division Muzaffar Nagar.

.....Respondents

Advocate for the Applicant : Shri Satya Prakash Mishra

Advocate for the Respondents : Shri L P Tiwari

**O R D E R**

**(Delivered by Hon'ble Ms Ajanta Dayalan, Member-A)**

Heard Shri Satya Prakash Mishra, learned counsel for the applicant and Shri L P Tiwari, learned counsel for the respondents.

2. Learned counsel for the applicant states that the applicant was suspended and on his approaching this Tribunal through OA No. 982 of 2018, vide order dated 28.09.2018 (Annexure No. A-8 to the OA) the OA was dismissed as withdrawn observing that alternative remedy has not been exhausted. The applicant was also given liberty to approach this Tribunal after exhausting alternative remedy.

3. Learned counsel for the applicant further states that the applicant has since appealed against the suspension order and has now challenged

the Appellate Order dated 11.10.2019 (Annexure No. A-10 to the OA) vide which his appeal has been rejected.

4. Learned counsel for the applicant further states that the respondents' department has issued charge sheet to the applicant in November 2019, but respondents' department has not provided him with the relevant documents. He also states that his prayer is for quashing of Appellate Authority's order and for staying the departmental proceedings till relevant documents are provided to him. He has also relied on the order dated 14.05.2012 (Annexure No. A-14 to the OA) passed by this Tribunal in OA No. 78 of 2012 in this regard.

5. Learned counsel for the respondents opposes the submissions made by the learned counsel for the applicant. He states that the suspension order has not been challenged in the relief sought and as such no effective relief can be granted to the applicant as per the prayers made in the OA because even if the Appellate Order is quashed, suspension order will still remain operative.

6. We agree with the observation made by the learned counsel for the respondents. We also observe that departmental proceedings cannot be stayed due to non-provision of relevant documents because this will be a matter which will be decided first by the executive authority. If after completion of inquiry, in case the applicant is still aggrieved by the Disciplinary Authority's and Appellate Authority's orders there on, he can approach the Tribunal at that stage. At this stage, the applicant can approach the Inquiry Officer or the Disciplinary Authority for giving him access to relevant documents.

7. We also are of the view that what is relevant document is to be first decided by the executive authority and it is not an issue on which Tribunal should interfere at this stage or stay the departmental proceedings on such ground.

8. Accordingly, the OA is dismissed on merits. There will be no order as to costs.

**(RAKESH SAGAR JAIN)  
MEMBER-J**

Arun..

**(AJANTA DAYALAN)  
MEMBER-A**