

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/00552/2019

Date of Decision: 16th October, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)
R.N. SINGH, MEMBER (J)

Shri Nandkumar Bhanudas Sutar,
 Age about 38 years,
 Occupation – Ex BMP,
 Gojegaon Tal & Dist. Satara 415 004.
 R/o At PO Gojegaon,
 Tal & District Satara 415 004.
(None)

- *Applicant*

VERSUS

1. Union of India, Through the Post Master General,
 G.P.O. Mumbai 400 001.
2. The Senior Superintendent of Post Offices,
 Satara Division, Satara 415 001.
3. The Additional Superintendent of Post Offices,
 Satara Division, Satara 415 001.

- *Respondents*

ORDER (Oral)

Per : R.Vijaykumar, Member (A)

This application has been filed on 18.07.2019 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :-

“8(i) To quash and cancel the order No.F/IV/3/10-11/2015 dated 26/09/2018, passed by Senior Superintendent post office Satara Div Satara.

8(ii) To direct the respondents to re-instate the applicant into services on the post of postman at Gojegaon BO with all attendant benefits.

8(iii). Pass such other and further order(s)/direction(s) as deem just and proper in the interest of justice.”

2. This application had been held over for admission from yesterday to permit the learned counsel for the applicant to present any relevant judgment or precedents or refer to any particular rule that would allow an employee, who had been dismissed as in the case of the applicant after completion of inquiries on 13.04.2012 and who has chosen not to file statutory appeal, to challenge the orders of dismissal by the Disciplinary Authority. Subsequently, in the criminal case against him the Judicial Magistrate has considered the evidence and held that the prosecution failed to prove the guilt of accused beyond reasonable doubt and for want of legal evidence, held that the accused was not guilty.

3. The learned counsel for the applicant had requested time till today to be heard on the matter and the matter was deferred to today for the purpose. When the case was called, neither the applicant nor the learned counsel for the applicant appeared to continue their arguments even on the revised call. Both on the issue of belated representations of the applicant and on the

aspect that the applicant had never challenged the orders of the disciplinary authority through the available recourse of statutory appeal, we do not find any merit in the present OA and accordingly, the same is dismissed without any order as to costs.

(R.N. Singh)
Member (Judicial)

(R. Vijaykumar)
Member (Administrative)

*kmg**

*SD
22/10/17*

