

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P.No.23140 of 2015
M.P.No.1 of 2015

A.Sreekumar

.. Petitioner

versus

1.The Chief Postmaster General,
Union of India,
Tamil Nadu Circle,
Anna Salai, Chennai 600 002.

2.The Postmaster General &
Chair Person Internal Complaints Committee,
Western Region (TN),
Coimbatore 641 002.

3. The Director of Postal Services,
Southern Region (TN),
Madurai 625 002.

4. The Registrar,
Central Administrative Tribunal,
Chennai 600 104.

. . Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 4th respondent which is made in M.A.No.310/00483/2015, dated 10.07.2015, quash the same and consequently, direct the respondents 1 & 3 to restore the status f the petitioner as Inspector Posts with all other attendant service benefits to the petitioner.

For Petitioner : Mr.R.Malaichamy

For respondents : Mr.P.Saravanan,
Senior Counsel for R1 to R3

O R D E R

(Order of the Court was made by S.MANIKUMAR ,J.)

Material on record discloses that the Director of Postal Services, Southern Region (TN), Madurai, 3rd respondent herein, vide order, dated 01.07.2012, has imposed a punishment, reducing the petitioner to the lower post of Postal Assistant (Feeder Cadre), from the post of Inspector (Posts), in the Grade Pay of Rs.2,400/-, for a period of two years and that his pay would be restored in the post held by him, prior to the imposition of the punishment, only after completion of two years. The 3rd respondent herein has further stated that increments falling due to the original post/pay would not be restored for pensionary or any other purpose and that the same would have future effect.

2. Aggrieved by the same, an appeal has been filed before the Chief Postmaster General (Appellate Authority), Chennai, on 06.07.2015. M.A.No.310/00483/2015, has also been filed to waive the statutory period of six months, in filing the abovesaid appeal. After perusal of the materials available on record, by observing that aggrieved by the order of the Disciplinary Authority, dated 01.07.2015, the petitioner had filed a statutory appeal before the appellate authority on 06.07.2015 and invoked the jurisdiction under Section 19 of the Administrative Tribunals Act, 1985 and on that basis, the Tribunal held that it is not inclined to waive, six months period, as contemplated under the provision of the Administrative Tribunals Act, 1985. Accordingly, the abovesaid M.A., has been dismissed on 10.07.2015, at the admission stage itself. Aggrieved by the same, the present writ petition has been filed.

3. Inviting the attention of this Court to the Official Memorandum of Ministry of Home Affairs, Government of India, dated 20.12.1968, Mr.Malaichamy, learned counsel for the petitioner submitted that if for any reasons, the appellate authority is not in a position to dispose of the statutory appeal or a petition, acknowledged by him, then, he is obligated to send an interim reply to the individual, within a month, which in this case, has not been done. According to him, the outer limit for disposal of the appeal or petition, is one month. However, he submitted that it is suffice that a direction is issued to the appellate authority to dispose of the appeal, within a period of two weeks.

4. Mr.P.Saravanan, learned Senior Counsel appearing for respondents 1 to 3 submitted that in the event of this Court, giving direction to dispose of the appeal within a stipulated time, then the outer limit for disposal of the appeal, can be fixed at four weeks.

Heard the learned counsel for the parties and perused the materials available on record.

5. Paragraph 5 of O.M.No.25/34/68-Estt. (A), dated 20.12.1968, issued by the Ministry of Home Affairs, Government of India, is extracted hereunder:

"5. In regard to the representations of the type mentioned at (4) above, although the relevant rules or orders do not prescribe a time-limit for disposing the appeals and petitions by the competent authority, it should be ensured that all such appeals and petitions receive prompt attention and are disposed within a reasonable time. If it is anticipated that an appeal or a petition cannot be disposed of within a month of its submission, an acknowledgement or an interim reply should be sent to the individual within a month."

6. There is no specific time limit for disposal of an appeal. Considering the fact that the petitioner has been inflicted with a penalty of reduction to the lower post of Postal Assistant (Feeder Cadre), from the posts of Inspector (Posts), in the Grade Pay of Rs.2,400/-, for a period of two years, without going into the merits of this case, and having regard to the submission of the learned counsel for the petitioner that the statutory appeal, dated 06.07.2015, may be directed to be disposed of, within a time frame, we direct the The Chief Postmaster General (Appellate Authority), Tamil Nadu Circle, Chennai, to dispose of the statutory appeal, dated 06.07.2015, filed by the petitioner and stated to have been acknowledged, within a period of two weeks, from the date of receipt of a copy of this order, without being influenced by any observations and action, already taken during the pendency of the earlier proceedings. The appellate authority is also directed to act with fairness.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

skm

To

1.The Chief Postmaster General,
Union of India,
Tamil Nadu Circle,
Anna Salai, Chennai 600 002.

2.The Postmaster General &
Chair Person Internal Complaints Committee,
Western Region (TN),
Coimbatore 641 002.

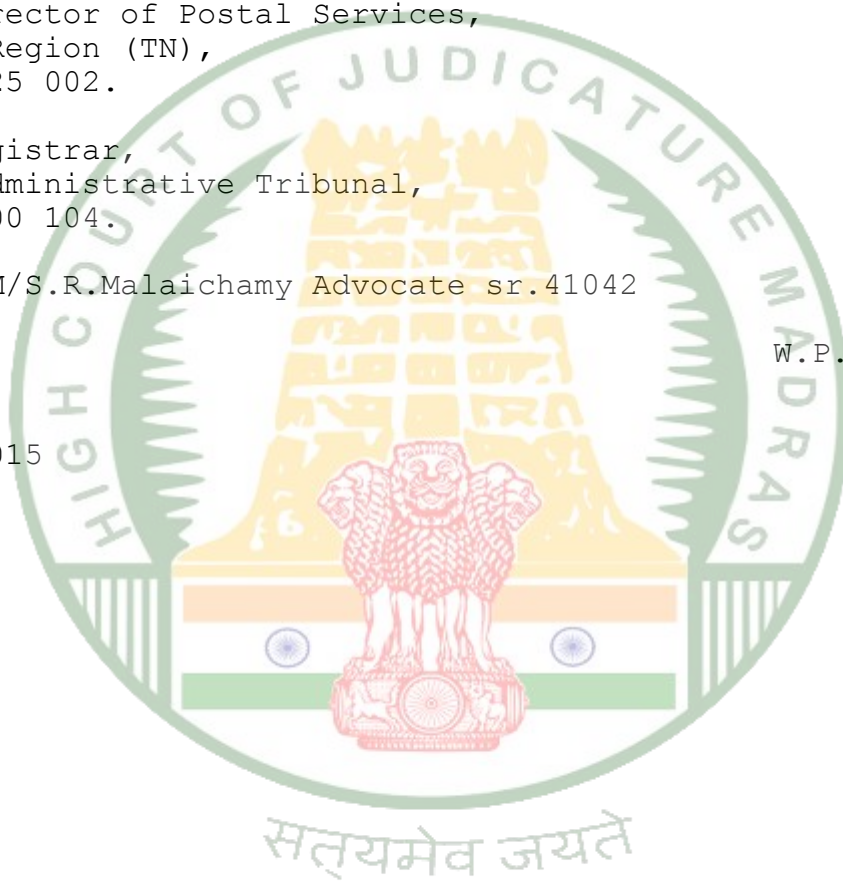
3. The Director of Postal Services,
Southern Region (TN),
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4. The Registrar,
Central Administrative Tribunal,
Chennai 600 104.

+1 cc to M/S.R.Malaichamy Advocate sr.41042

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