

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO.314/2002 In
O.A. NO.3033/2002

New Delhi this the 13th day of January, 2003.

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

Shri S.K. Gandhi,
Sr. Auditor
Office of the Controller of Defence
Accounts (Air Force)
107 Rajpur Road
Dehra Dun- 248001.

..... Applicant

-versus-

Union of India, through
The Controller of Defence
107 Rajpur Road
Dehra Dun-248001.

... Respondent

O R D E R (BY CIRCULATION)>

Justice V.S. Aggarwal:-

Applicant S.K. Gandhi had filed OA No.3033/2002. He was seeking quashing of the order purported to have been passed, namely the charge-sheet and the penalty order. When the matter came up for hearing, the Bench was of the opinion that against the order passed by the Controller of Defence Accounts, an appeal could have been filed. Without expressing any opinion on merit, therefore, the original application was dismissed.

2. The applicant seeks review of the said

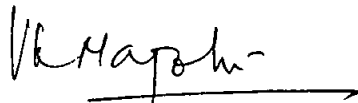
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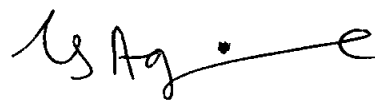
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order. He does not dispute that the appeal is maintainable but contends that the appellate authority is involved in the matter and the most efficacious remedy would be filing of the original application.

3. Once it is admitted that the appeal is maintainable, it would be proper if the alternative remedies are availed of and thereafter only, if necessary, judicial review of the same should be claimed. Regarding the other assertions, at this stage, no opinion is being expressed.

4. Resultantly there being no error apparent on the face of the record, the Review Application must fail and is dismissed by circulation.


(V.K. Majotra)
Member (A)


(V.S. Aggarwal)
Chairman

/sns/