

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.1670 of 2002

New Delhi, this the 4th day of September, 2002

**HON'BLE SHRI M.P. SINGH, MEMBER (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

Shri Jagdish Upadhyay
S/o Shri K.D. Upadhyay
Carpet Training Officer,
Regional Carpet Store,
Aashapur, Sarnath,
Varanasi, U.P.

.....Applicant

(By Advocate : Shri S.M. Ratanpaul)

VERSUS

1. Union of India through
The Secretary
Ministry of Textiles
Udyog Bhawan,
Rafi Marg, New Delhi.
2. The Development Commissioner (Handicrafts),
West Block No.7,
R.K. Puram, New Delhi-110066.
3. The Regional Director
Office of the Development Commissioner (Handicrafts),
Central Region,
B-4A, Mahanagar Extn. J-Park,
Lucknow (U.P.).
4. The Assistant Director (Admn. & Ccord.)
Office of the Development Commissioner (Handicrafts),
Carpet Weaving Training-cum-Service Centre,
D-64/151, A-M-1, Nagar Nigam Colony,
Sagra, Varanasi (U.P.).

....Respondents

(By Advocate : Shri K.R. Sachdeva)

ORDER (ORAL)

Hon'ble Shri M.P. Singh, Member (A):

Heard learned counsel for the parties.

2. The applicant has approached this Tribunal by filing the present OA impugning the punishment order dated 3/4.6.2002 and sought stay of the operation of the said order insofar as it relates to recovery. By Tribunal's order dated 28.6.2002, the said recovery has been stayed.

3. Shri K.R. Sachdeva, learned counsel for respondent has took preliminary objection by taking resort of Section 20 of the Administrative Tribunals Act, 1985 and stated that the applicant has not preferred any appeal against the impugned order as provided under Rule 23 of CCS (CCA) Rules, 1965.

4. However, Shri S.M. Rattanpaul, learned counsel for applicant has apprised today in the court that on 3.7.2002, the applicant has preferred appeal against the impugned order of the punishment, a copy place on record.

5. Having regard to Rule 23 of the CCS (CCA) Rules, 1965, the applicant has filed the present OA without preferring the appeal against the impugned order and admittedly the same has been filed after filing of the OA.

6. In this view of the matter, the end of justice will be duly met if the present OA is disposed of at this stage by directing the respondent to dispose of the aforesaid appeal preferred by the applicant against the impugned order dated 3/4.6.2002 within a period of four weeks from the date of receipt of a copy of this order. We do so accordingly,

7. The present OA is disposed of in the aforesaid terms. No costs. *Interim Order is vacated.*

S. Rajm
(Shanker Raju)
Member (J)

M.P. Singh
(M.P. Singh)
Member (A)

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