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Central Administrative Tribunal, Principal Bench

Original Application No.3310 of 2001

New Delhi, this the 12th day of December, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S. A. T. Rizvi, Member(A)

K.K. Ahluwalia
7, Air Force Colony
Near Neeraj Cold Storage
Dhaki, Pathankot-145001

....Applicant

(By Advocate: Shri Sanjay V.S. Chaudhary)

Versus

1. Union of India
through Secretary
Ministry of Home Affairs, Govt. of India
North Block, New Delhi-1

2. Director,
Intelligence Bureau
Ministry of Home Affairs, Govt. of India
North Block, New Delhi

....Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

In disciplinary proceedings initiated against the applicant on a charge of unauthorised absence, a penalty of dismissal from service has been imposed upon the applicant by the Assistant Director being the disciplinary authority by the impugned order passed on 22.5.2001 at Annexure 'A'. The same is sought to be impugned by the applicant without exhausting the departmental remedies of appeals and revisions as provided under CCS (CCA) Rules, 1965, under which the disciplinary proceedings have been conducted. Applicant, in his OA, has sought to allege that no appeal is maintainable.

2. On a plain reading of rule 23 of the said rules, we find that the aforesaid allegation is not well borne out. Rule 23(ii) of the CCS (CCA) Rules provides for an

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appeal in respect of penalties provided under rule 11. A penalty of dismissal from service which is the penalty imposed in the present case is one of the penalties provided under rule 11(ix).

3. In the circumstances, we are constrained to hold that the present OA which has been instituted without exhausting the alternate departmental remedies, is not maintainable. Present OA, in the circumstances, is dismissed in limine, with liberty.

S.A.T. Rizvi ✓

(S.A.T. Rizvi)
Member(A)

(Ashok Agarwal)
Chairman

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