

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A. No. 442/95
MA-2425/95

Date of decision 28.9.95

Hon'ble Shri S.R. Adige, Member (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Hira Lal,
Industrial Mazdoor (Civilian)
resident of Village-Damodar Pura,
Post Office- Veterinary College, Mathura (UP)

... Applicant
(By Advocate Shri D.N.Sharma)

Vs.

1. The Union of India, through
the Secretary Ministry of Defence,
South Block, New Delhi.
2. The Adjutant General,
Addl. Directorate General/Drg-4(Civ)(b)
3. The Quarter Master General,
Quarter Master General Branch(Q-1(C),
Army Headquarters, D.H.Q. Post Office,
New Delhi-11
4. The Director General Supply & Transport(ST-12),
Quarter Master General's Branch,
Army Headquarters, D.H.Q. Post Office,
New Delhi-11
5. The General Officer Commanding-in-charge
M.G.A.S.C. Headquarters Central Command,
Lucknow-Cantt.
6. The Commandant,
3- Reserve Petroleum Depot, A.S.C.,
Mathura (UP)
7. The Officer Commanding,
338(1) Supply Platoon, A.S.C.
Mathura (U.P.)

... Respondents

(By Advocate Shri P.H.Ramchandani)

JUDGMENT(DRAL)

(Hon'ble Shri S.R. Adige, Member (A))

Both counsel have been heard.

2. We note that consequent to disciplinary proceedings, which were initiated against the applicant, he has been compulsorily retired, *vide* ~~order~~ order dated 5-4-1995. We have pointed out to the applicant's counsel, that he has a right of appeal against the order of ^{compulsory} retirement, and in the

A

8

first instance, it is appropriate that the applicant exhausts that right, before approaching the Tribunal. Under Section 20 Administrative Tribunals Act an application is not to be admitted until other remedies are exhausted. The OA was filed prior to the issue of the order dated 5-4-1995 retiring the applicant compulsorily, but now that the said order has been passed the applicant may, if so advised file an appeal against that order in the first instance.

3. In the event that such appeal is filed, the respondents should dispose of the same, within three months from the date of its being filed. While disposing of the appeal, the respondents should not reject^{it} it merely on the ground of limitation.

4. If any grievance still survives after the disposal of the appeal, it will be open to the applicant to agitate the same through appropriate proceedings in accordance with law.

5. The O.A. is disposed of, accordingly. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

S.H. Adige
(S.H. Adige)
Member (A)

sk