

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.1029 of 1996

Dated New Delhi, this 9th day of August, 1996.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Bishnu Singh Bora
Senior Clerk
Vivekanand Parvatiya Krishi
Anusandhanshala (Indian Council
of Agricultural Research), Almora (U.P.)
at present:

R/o H. No.40 Sector VII
R. K. Puram
NEW DELHI.

By Advocate: Shri D. S. Bora) ... Applicant

versus

1. Director General
Indian Council of
Agricultural Research
Krishi Bhawan
NEW DELHI.

2. Director
Vivekanand Parvatiya Krishi
Anusandhanshala (ICAR)
ALMORA (U.P.)

3. Shri S. D. Dubey
Officiating Director
Vivekanand Parvatiya Krishi
Anusandhanshala (ICAR)
ALMORA (U.P.) ... Respondents

By Advocate: Shri V. K. Rao

O R D E R (oral)

Hon'ble Shri K. Muthukumar, M(A)

This application is directed against the
order of the respondent no.3 dated 30.4.1996
(Annexure A-1) removing the applicant from service
as Senior Clerk under the respondents with effect
from 1.5.1996. The said order had been issued

Contd.2

after giving a show cause notice to the applicant (Annexure A-7). The above order was passed under the powers exercised by respondent no.2 under Rule 19(i) of the Central Civil Services (CCA) Rules, 1965 as competent authority under the Rules.

In this application the applicant has prayed for quashing of the impugned order and also for a direction to the respondents to reinstate the applicant. He has also prayed for an interim order for restraining the respondents from evicting the his family from the staff quarter allotted to him at Almora.

2. When the case came up for hearing on admission, on 17.5.96 the Bench admitted the application and stayed the eviction of the applicant from the staff quarters for a period of 14 days and respondents were directed to file a reply. The respondents have filed reply now. The interim order was subsequently continued till date.

3. In the reply filed by the respondents, it has been stated that the application cannot be entertained in the Principal Bench as the cause of action arose in Almora where the applicant was working and, therefore, the application comes under the jurisdiction of Allahabad Bench of the

(b)

Tribunal. Another objection taken by the respondents is that the application is premature inasmuch as it has been filed against the final order of the respondents and the applicant has not exhausted the departmental remedies available to him under the rules.

4. The learned counsel for the applicant submits that this application has been filed in order to seek very urgent remedy particularly as the applicant's family is residing in Almora and he foresees immediate eviction of the family of the applicant from the staff quarters allotted to the applicant. He also submits that the applicant has been staying in Delhi to contest the order of the respondents through an application in this Bench and he also submits that this matter had been considered by the Bench when it first came up for hearing on 17.5.96, and the Bench admitted the OA. The learned counsel for the applicant further states that some immediate relief should be provided to the applicant in regard to the continuance of the present accommodation. He submits that the applicant had no time to exhaust the departmental remedies available to him considering the fact that his family was facing eviction.

Contd.4

(7)

5. We have heard the learned counsel for the parties. The application has already been admitted by taking note of the fact that the applicant has been residing in R. K. Puram, New Delhi and can contest this application in view of the fact that he is no longer in service under the respondents.

6. The contention of the learned counsel for the respondents that the application is premature is however quite right. We find that the applicant was under disciplinary proceedings initiated by the respondents and he had been removed from service under Rule 19 (i) of the Central Civil Services (CCA) Rules, 1965 as applicable to the employees under the respondents including the applicant. The aforesaid rule provides for further departmental remedies against the order passed by the competent authority under the relevant rules. The learned counsel for the applicant admits that the applicant has not preferred any appeal so far against the impugned order, but has rushed to the Tribunal on the presumption of eviction of the staff quarter allotted to him at Almora.

7. In view of the submission that no departmental remedies are exhausted, we consider that this application is premature under Section 20

(3)

of the Administrative Tribunals Act, 1985 and it is liable to be dismissed on that ground alone.

Further there is no order of eviction of the applicant from the staff quarter allotted to him. Accordingly, this application is dismissed and the interim order passed earlier stands vacated.

No costs.

K. Muthukumar
(K. Muthukumar)
Member (A)

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

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* *para 8 added*
order on RA
172/96 on 5-12-96.

50/71
17-12-96

8. The Petitioner may however, seek any departmental remedy available to him under the law within 15 days from the date of receipt of this order and the respondents shall also entertain such an appeal by waiving the time limit for such appeal as provided under the Rules.