

Central Administrative Tribunal
Principal Bench

O.A. 1773/97

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New Delhi this the 1st. day of January, 1998

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

Ramesh Pal,
S/o Shri Ram Kishore,
R/o 198, Andrews Ganj,
Road No. 7,
New Delhi.

... Applicant.

By Advocate Ms Aparna Rohtagi Jain.

Versus

1. Govt. of National Capital Region, Delhi,
through Chief Secretary,
5, Alipur Road,
Delhi.
 2. Commissioner of Police,
Police Headquarters,
I.P. Estate,
New Delhi.
 3. Principal,
Police Training School,
Jharoa Kalan,
New Delhi.
- ... Respondents.

By Advocate Shri Rajinder Pandita.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant has filed this application in which he has impugned the order dated 20.5.1997 passed by the respondents terminating his services under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965.

2. We have seen the pleadings and heard the learned counsel for the parties.

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3. The respondents in their reply have taken the preliminary objection that without filing any appeal/representation to the competent authority against the impugned order dated 20.5.1997, the applicant has filed the present application on 1.8.1992. The applicant has filed a rejoinder in which he has denied that he has not exhausted the so called departmental remedies.

4. We find that the impugned order dated 20.5.1997 has been passed under Rule 5 of the CCS (Temporary Service) Rules, 1965. Sub-rule (2) of Rule 5 provides, inter alia, that where a notice is given by the appointing authority terminating the services of a temporary Government servant, the Central Government or any other authority, specified by the Central Government in this behalf or a Head of the Department, if the said authority is subordinate to him, may, of its own motion or otherwise, reopen the case, and after making such enquiry as it deems fit, (i) confirm the action taken by the appointing authority; (2) withdraw the notice; (iii) reinstate the Government servant in service; or (iv) make such other order in the case as it may consider proper. Therefore, in the facts and circumstances of the case and having regard to the provisions of Section 20 of the Administrative Tribunals Act, 1985, we are satisfied that the applicant has not availed of the available statutory remedies under the service rules which is open to him with the competent authority and as such this application is premature and is liable to be dismissed on this ground alone.

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5. In the result, this application fails and it is accordingly dismissed. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

SRD: