

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2393/1997

New Delhi, this the 4th day of August, 2000.

(5)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Sh. Ramesh Chander, S/o Sh. Jaggan, R/o
C/o Dinesh Kumar, 831-B, Pocket No.2,
Janta Flat, Paschim Vihar, New Delhi.

.... Applicant

(BY: Advocate Sh. S.Y.Khan)

VERSUS

Govt. of NCT of Delhi, through

1. Secretary, Department of Delhi
Archives, 18-A, Satsang Vihar
Marg, Spl. Institutional Area, New
Delhi-110067

2. Director, Department of Delhi
Archives, 18-A, Satsang Vihar Marg,
Spl. Institutional Area, New Delhi
110067

3. Sh. V.K. Sharma, Dy. Director,
(Archives), Deptt. of Delhi
Archives, Spl. Institutional Area,
New Delhi-67.

... Respondents

(BY: Advocate none)

ORDER

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

This case was called up twice. None was present on behalf of respondents. It was found that the respondents have not been attending the Court for quite some time and, therefore, do not seem to be interested in pursuing this matter further. The learned counsel for the applicant is present and has been heard. The material on record has also been perused.

2. The O.A. has been filed against the respondents' order of compulsory retirement of the applicant dated 26.8.1997. In the rejoinder filed by the applicant, it has been stated that the applicant had filed an appeal against

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the aforesaid order of compulsory retirement on 27.9.1997, i.e., just about a month after the aforesaid punishment order was passed. Since the applicant himself has furnished this information about the filing of the appeal, there is no reason to doubt its genuiness.

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3. However, we find from the records that the applicant has filed the present O.A. on 7.10.1997 i.e. within a month of the presentation of the appeal and at that stage it was premature, having regards to Section 20 of the Administrative Tribunals Act, 1985. It is also relevant to note that the respondents have also not cared to dispose of the appeal in the meantime, in accordance with law, which they could have done, but as none has appeared on their behalf, we are not aware of the actual position. Therefore, taking into account the above circumstances, the O.A. is disposed of with the following directions:-

1) The respondents to place the appeal dated 27.9.1997 submitted by the applicant (Annexure A-9) before the appellate authority who shall consider the same, if not already done, within one month from the date of receipt of a copy of this order. He shall do so by a reasoned and speaking order in accordance with the relevant law and rules with intimation to the applicant.

Parties to bear their own costs.

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(S.A.T. RIZVI)
MEMBER (A)

Lakshmi
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

/SKA/