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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
.....

Regn.No.OA-2090/88

Date of Decision 8.12.1988

Shri Rajesh Kumar.

.... Applicant.

Versus

Delhi Administration &
Ors.

.... Respondents.

For the applicant

.... Shri J.P.Vergheese,
Advocate.

For the respondents

.... Shri G.C.Lalwani,
Advocate.

CORAM: Hon'ble Shri P.K.Kartha, Vice Chairman (Judicial)
Hon'ble Shri D.K.Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *NO*

JUDGEMENT

(Judgement of the Bench delivered by Hon'ble
Shri P.K.Kartha, Vice Chairman (Judicial))

The applicant has filed this application praying that the order dated 16.8.1988 passed by the Deputy Commissioner of Police whereby he was removed from service with immediate effect be quashed and that the respondents should be directed to reinstate him in service. The application has come up before us for admission today.

2. We have heard Shri J.P.Vergheese, learned counsel for the applicant and Shri G.C.Lalwani, learned counsel for the respondents. The learned counsel for the applicant stated that due to certain reasons mentioned in para 6 of the application, the applicant could not prefer an appeal before the Appellate Authority within the time prescribed for the purpose, under the relevant service rules and, therefore, even if the appeal is filed at this stage, it may not be entertained on the ground that it is barred by limitation. Shri Lalwani vehemently opposed the admission of the present application on the ground that

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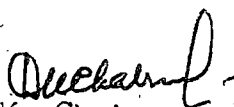
the applicant has not exhausted the remedies under the relevant service rules.

3. Section 20(1) of the Administrative Tribunals Act, 1985 provides that "A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed all the remedies available to him under the relevant service rules as to redressal of grievances".

In view of this provision, we are of the opinion that applicant should exhaust his remedies available under the service rules before approaching the Tribunal.

4. In view of the foregoing, we direct that the applicant may file an appeal before the Appellate Authority within a period of 15 days from the date of communication of this order and that the Appellate Authority should dispose of the appeal on the merits by a speaking order within a period of two months thereafter. In case the applicant feels aggrieved with the decision of the Appellate Authority, he will be at liberty to move this Tribunal in accordance with law if he is so advised.

5. The application is disposed of at the admission stage with the above directions with no order as to costs.


(D.K. Chakravorty)
Member (A)


(P.K. Kartha)
Vice Chairman (J)