

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI

OA 1519 of 1990

Madan Mohan Kumar

....

Applicant

versus

Union of India & others

...

Respondents

31st July, 1990

Present: Mr. S.K.Gupta, counsel for the applicant.

...

ORDER: (oral)

The instant Application has been directed against the order dated 30th April, 1990 (Annexure 18). The two grievances, which the applicant seeks to get redressed are against the following directions:-

- i) The period from 27th April, 1989, the date of removal from service to the date of joining of the applicant be treated as suspension and he be given subsistence allowance for the aforesaid period at the rate at which he was being paid prior to his removal; and
- ii) directing initiation of departmental enquiry under the provisions of CCS(CCA) Rules, 1965 against the applicant on the allegations which led to his removal from service.

2. We have heard the learned counsel for the applicant. Since the applicant has not availed himself of the departmental remedies against the aforesaid grievances, the Application is pre-mature. When the attention of the learned counsel for the applicant was specifically invited to this aspect, the learned counsel drew our attention to the communication dated 16th June, 1990

(Annexure 20). Making of such a communication is not the <sup>requisite</sup> remedy. Further more, the applicant should, in the first instance, participate in the enquiry and raise whatever pleas/objections he may feel advised to raise. Applicant may also make appropriate representation in respect of other relief claimed by him.

3. In view of the foregoing, the instant Application is held to be pre-mature and is rejected on that count at the admission stage. This will not, however, preclude the applicant from filing a fresh Application at the appropriate stage, if he feels so advised.

*I. K. Rasgotra*  
(I.K. Rasgotra)  
AM

*B. S. Sekhon*  
(B.S. Sekhon)  
VC.  
31-7-90