

or

Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.2243/2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member(A)

New Delhi, this the 20th day of September, 2004

Pawan Kishore,
R/o 721,
Lodhi Road Complex,
New Delhi-110 003

....Applicant

(By Advocate: Shri A.K. Shukla)

Versus

1. The Union of India
Through its Secretary,
Ministry of Defence,
South Block,
New Delhi-110 001
2. The Secretary,
Ministry of Finance,
Department of Economic Affairs,
North Block, New Delhi
3. The Director (Admn.),
Ministry of Finance,
Department of Economic Affairs,
North Block, New Delhi

....Respondents

Order(Oral)

Justice V.S. Aggarwal, Chairman

The applicant by virtue of the present application seeks to assail
the suspension order of 5.8.2004. The said order reads:

“WHEREAS a disciplinary proceeding against Shri
Pawan Kishore, DEO, Gr.B, Department of Economic
Affairs is contemplated.



NOW, therefore, the undersigned, in exercise of the powers conferred by sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 hereby places the said Shri Pawan Kishore under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri Pawan Kishore, DEO, Gr.B, Department of Economic Affairs should be New Delhi and the said Shri Pawan Kishore shall not leave the headquarters without obtaining the previous permission of the undersigned."


Learned counsel for the applicant assails the said order on various grounds including that this has been done so that applicant may lose his promotion.


2. In all fairness, we must state that we are not delving into the merits of the matter, the reason being that under rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, an appeal against the said order is maintainable. Once an appeal is maintainable, the provision of Section 20 of the Administrative Tribunals Act, 1985 comes into play with all its vigour. It clearly bars this Tribunal ordinarily from entertaining an application unless the said person has availed of all the remedies available to him under the service rules for redressal of his grievance.

3. In such a situation, the applicant may in the first instance, prefer an appeal in accordance with the rules and thereafter, if necessary, take recourse under the law.

LS Ag _____

4. Taking stock of the facts, it is directed that in case an appeal is filed within two weeks from today, the appellate authority would consider and preferably decide the same within next three months. O.A. is disposed of.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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