

2

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

....

O.A. No. 2620/2004

New Delhi, this the 29th day of October, 2004

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

Rajesh Tiwari
C/o D-294, Kidwai Nagar,
New Delhi-110 023.

...Applicant

(By Advocate: Shri A.K. Shukla)

-versus-

◆ Union of India through

1. The Secretary,
Ministry of Defence,
South Block,
New Delhi – 110 011.
2. The D.G.,
D.G., NCC,
Ministry of Finance,
West Block – IV, R.K. Puram,
New Delhi – 110 066.

...Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman:

The applicant, by virtue of the present application, seeks to assail the order passed by the disciplinary authority dated 31.3.2004. Learned counsel for the applicant has drawn our attention to the fact that the applicant had suffered at the hands of the respondents time and again. He did tell us that the applicant has been running from pillar to post. Firstly, he had to file the original application and thereafter there were different applications filed for extension of time and even the Delhi High Court, when the matter came up before the said court in Writ Petition No. 7605/2003 dated 16.1.2004, had imposed cost on the respondents.

2. However, we have drawn attention of the learned counsel of the applicant towards the provisions of Section 20 of the Administrative Tribunals Act, 1985

Ms Ag

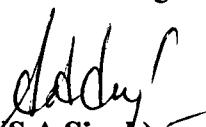
- 2 -

7

that an appeal against the impugned order would be maintainable. In answer to that, learned counsel's plea is that the respondents are determined to defeat the ends of justice and punish the applicant and the appeal, in any case, would not be considered on its merit.

3. To this particular plea, we are not expressing any opinion. The Administrative Tribunal is a creation of the Administrative Tribunals Act, 1985. The provisions of law clearly prescribe that all alternate remedies available should be exhausted before approaching this Tribunal. Once the appeal is maintainable, it is in the fitness of things that the applicant should firstly file an appeal and thereafter may, if deemed appropriate and need arises, take recourse by filing the application before this Tribunal.

4. With these observations, the original application is disposed of. We make it clear that nothing said herein is an expression of opinion on the merit of the matter and against the rights of the applicant.


(S.A. Singh)

Member (A)


(V.S. Aggarwal)

Chairman

/na/