

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1983/2004
MA NO. 1692/2004

This the 17th day of August, 2004

HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. S.K. NAIK, MEMBER (A)

Chaman Singh,
S/o Late Sh. Ram Nath,
Retd. Asstt. Communication Officer,
O/o Director General of Civil Aviation (DGCA),
Ministry of Civil Aviation, New Delhi.

Residential Address:-

Chaman Singh,
DDA MIG Flats No.121,
Pocket A-1, Sector-7, Rohini, Delhi-110085.

.....Applicant

(By Advocate : Shri G.D. Bhandari)

Versus

Union of India through

1. Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan, Safdarjung Air Port,
New Delhi.
2. The Director General of Civil Aviation,
Technical Centre,
Opposite Safdarjung Air Port,
New Delhi.

.....Respondents

ORDER (ORAL)

Justice V.S. Aggarwal, Chairman

Applicant by virtue of the present application seeks to assail the order of 13.1.1997 and also resultantly held that applicant is deemed to have continued in service. As a consequence thereto, he seeks setting aside of Pension Payment Authority order of 26.7.2004.

2. Suffice to say vide order dated 13.1.1997 it was directed that applicant by way of penalty is compulsorily retired. The operative part of the order reads:-

'Now, therefore, after considering the Record of Inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Shri Chaman Singh, Assistant Communication Officer owing to grounds as aforesaid is not a fit person to be retained in Government service and hence ends of justice require that

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the penalty of Compulsory Retirement is imposed upon him. The penalty of Compulsory Retirement is accordingly hereby imposed on Shri Chaman Singh, Assistant Communication Officer under Rule 14 of CCS (CCA) Rules, 1965.

3. It is in pursuance of that order that the Pension Payment Authority Order has been issued. To our query, counsel for applicant fairly did not dispute that he had not filed any appeal against the order compulsorily retiring him dated 13.1.1997.

4. Sub-section 1 of Section 20 of AT Act, 1985 opens itself as under:-

“A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.”

5. It clearly shows that all remedies available should be exhausted before filing an application with the Central Administrative Tribunal. Once the applicant has not exhausted the remedy, indeed in this backdrop, we find little ground to entertain the application.

6. Counsel for applicant argued that the order is not valid and therefore, it should be entertained. He also urged that applicant is not keeping good health and therefore, said procedural part should not be insisted. On both the grounds, the submission must fail because the mandate of law should be adhered to. Applicant, if so advised, may exhaust the remedy and may ^{thereafter} if necessary, file the petition in this Tribunal.

7. Keeping in view the aforesaid, we do not express anything pertaining to merits of the matter. Resultantly, OA on this short ground fails and is dismissed.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman

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