

CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI

Application No.27 of 1985.

Shri Arun Kumar Jain through In person (not present).

Versus

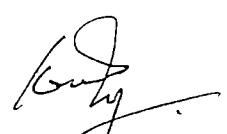
Union of India and others through Shri P.H.Ramchandani,
Senior Counsel.

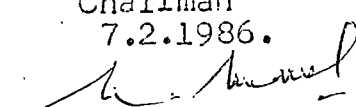
CORAM:

Shri Justice K.Madhava Reddy, Chairman.

Shri Kaushal Kumar, Member.

1. Whether Reporters of local papers.
may be allowed to see the judgment? Yes
2. To be referred to the Reporter or
not? Yes
3. Whether to be circulated to all
Benches? Yes
4. Whether fair copy to be typed for
perusal? No


(K.Madhava Reddy)
Chairman
7.2.1986.


(Kaushal Kumar)
Member
7.2.1986.

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CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI.

REGN. NO. 27/85.

Shri Arun Kumar Jain Petitioner.

Versus

Union of India and others ... Respondents.

CORAM:-

Shri Justice K. Madhava Reddy, Chairman.

Shri Kaushal Kumar, Member.

For petitioner ... None.

For respondents. ... Shri P.H. Ramchandani,
Senior counsel.

(Judgment of the Bench delivered by Shri
Justice K. Madhava Reddy, Chairman.)

This is a petition under Section 19 of the Administrative Tribunals Act, 1985 (for short "Act") for quashing the order of compulsory retirement made by the Controller of Defence Accounts (ORs), North, Meerut Cantt. dated 28.12.1984 and confirmed on appeal by the Controller General of Defence Accounts vide Order No. AN/XIII/13500 (93)/5/83 dated 22.7.1985. Unfortunately, the petitioner who had earlier appeared in person and is not represented by any counsel was absent yesterday (6.2.86) when the case was listed for hearing and even today when it is posted for further hearing. Sub Section (2) of Section 22 of the Act read with Rule 15(1) of Central Administrative Tribunal (Procedure) Rules, 1985 empowers the Tribunal to hear and dispose off the matters on merits even in the absence of the parties. It is not obligatory to dismiss the Petition for default if the petitioner is not represented when the matter is called ~~XX~~ for hearing. In fact in view of Section 22(2) the parties may address oral arguments only with the permission of the Tribunal. In the circumstances, we heard the learned counsel for the respondents Shri P.H. Ramchandani, perused the record of disciplinary proceedings placed before us and considered the petitioner's grievance with

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reference to the grounds urged by him in his petition.

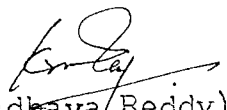
2. One of the principal grounds of attack on the impugned order is that all the documents referred to in Annexure III to the charge Memo. and upon which reliance has been placed by the Enquiry Officer in holding the charges proved, were neither supplied to the petitioner nor even an inspection of those documents given in spite of his request. If this contention be true, the further question that would have to be considered is whether these documents were relied upon to hold any of the charges proved on which the order of compulsory retirement is based. In the view we are taking, we deem it unnecessary to go into the merits of these and several other contentions raised in this petition. It is seen from the record that the petitioner has not exhausted all the remedies available to him under the CCS (CCA) Rules. Rule 29 of CCS(CCA) Rules provides a remedy by way of revision against the impugned order. That remedy the petitioner has not availed of. All the contentions raised by the petitioner could be considered and disposed off if the revision petition provided for under the Rules is filed. Under Section 20, this Tribunal is enjoined "not to 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". We do not consider that there are any circumstances which would justify invoking the jurisdiction vested in us without requiring the petitioner to first exhaust the remedy of Revision available to him under the Service Rules. The petitioner may file a revision petition under Section 29 of the CCS(CCA) Rules against the impugned order within 60 days of the receipt of this order. The learned counsel for the respondents fairly stated that if a

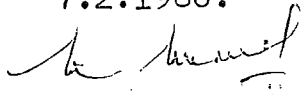
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Revision petition is ^{so}/filed, it will be entertained and disposed off on merits waiving the period of limitation, if any.

3. This petition is, therefore, dismissed on this short ground. However, if a Revision Petition is filed under Section 29 of C.C.S. (CCA) Rules, as aforesaid, it shall be heard and disposed off on merits.


(K. Madhava Reddy)
Chairman
7.2.1986.


(Kaushal Kumar)
Member
7.2.1986.