

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 3027/92

DATE OF DECISION 18.5.93

Sh. M. G. Gedam

... Applicant

v/s

U.O.I. & Others

... Respondents

CORAM

Hon'ble Vice Chairman, Sh. N. V. Krishnan, V.C. (A))

Hon'ble Member Sh. B. S. Hegde, Member (J)

FOR THE APPLICANT

... Sh. S. K. Bisaria, counsel

FOR THE RESPONDENTS

... Sh. O. P. Kshatriya, proxy
counsel for Sh. N. S. Mehta.

- (1) Whether reporters of local papers
may be allowed to see the Judgment?
- (2) To be referred to the Reporter or not?

JUDGEMENT (ORAL)

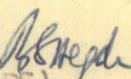
(Delivered by Sh. N. V. Krishnan, V.C. (A))

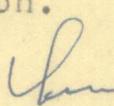
In this application, the applicant has prayed for quashing the punishment order dated 8-4-91, which is at annexure A-1, imposing on him, the punishment of reduction to a lower post in disciplinary proceedings initiated under the CCS (CCA) Rules, 1965. Notice was issued to the respondents. An objection on maintainability has been raised contending that the applicant has not exhausted his statutory remedy of appeal available to him.

2. Learned counsel for the applicant pointed out that an appeal had, in fact, been filed on 19-5-91 which is at page 16 of the paper book (Also shown as annexure A-1) addressed to the Head of Department, N.I. Centre. Learned counsel for the respondents submits that the appeal should

have been addressed in this case to the President of India, who is the Competent Authority. An appropriate appeal has not been filed.

3. In the circumstances, we are of the view, that this application is not maintainable as it is premature. The application has not exhausted the statutory remedy of appeal. Accordingly, this OA is dismissed. In the interest of justice we also permit the applicant to file an appeal before the Competent Authority within one month of the receipt of this order and in case such an appeal is filed, the same shall be disposed of by the ^{Competent Authority} ~~respondents~~ without raising any objection regarding limitation.


(B.S. HEGDE)
MEMBER (J)


19.5.93
(N.V. KRISHNAN)
VICE CHAIRMAN (A)

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