

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1483/93

199

T.A.No.

DATE OF DECISION 8-1-99

Sh. Baldev Raj DhamijaPetitioner

Sh. Ashish KaliaAdvocate for the
Petitioner(s)

VERSUS

UOI through the FinancialRespondent
Advisor, M/O Finance & Ors.

NoneAdvocate for the
Respondents.

CORAM

The Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble Shri N. Sahu, Member (A)

1. To be referred to the Reporter or not? YES

2. Whether it needs to be circulated to other
* Benches of the Tribunal? No.

Lakshmi
(Smt. Lakshmi Swaminathan)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.1483/93

New Delhi, this the 8th day of January, 1999

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE SHRI N. SAHU, MEMBER(A)

(11)

Baldev Raj Dhamija,
Ex-Auditor,
A/c No. 3312741
S/o late Shri R.K. Dass Dhamija,
C-27, Mayur Vihar, Phase-III,
New Delhi-110092. Applicant

(By Advocate: Shri Ashish Kalia)

Versus

Union of India - through

1. The Financial Advisor,
Ministry of Finance,
Defence, New Delhi.

2. Controller General of Defence Accounts,
West Block-V
R.K. Puram,
New Delhi.

3. Controller of Defence Accounts,
Western Command,
Chandigarh.

.... Respondents

(By Advocate: None)

O R D E R (ORAL)

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)

This is a 1993 case listed at serial number 9 under 'Regular' matters, under the caption that "cases of the year 1993 and earlier will not be adjourned". We have heard the learned counsel for the applicant. None is present for the respondents even on the second call.

2. The respondents have taken a preliminary objection in their reply that the applicant has not submitted any appeal to the Appellate Authority. However, they have stated that the statutory appeal dated 10.3.91 (annexed to the O.A.) is addressed to the Chief Controller

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of Defence Accounts. whereas according to them. it should have been addressed to respondent 2 i.e. the Controller General of Defence Accounts. It appears that for this reason. the respondents have taken the preliminary objection that no appeal has been received by respondent 2 in his office for consideration against the impugned disciplinary authority's order dated 17.1.90, removing the applicant from service for unauthorised absence and disobedience of orders of the superior officers.

3. We have considered the above objection and the submissions made by the learned counsel for the applicant. The appeal stated to be the statutory appeal against the removal order has been addressed by the applicant to the "Chief Controller of Defence Accounts", West Block. R.K.Puram, New Delhi, whereas respondent 2 is referred to as the "Controller-General of Defence Accounts" at the same address. In the circumstances. we are not impressed by the preliminary objection taken by the respondents that the applicant has failed to address his appeal to the concerned officer, as respondent 2 i.e. the Controller-General of Defence Accounts could have easily considered the appeal.

4. In the above facts and circumstances of the case. this O.A. is disposed of with the direction to respondent 2 to consider the applicant's appeal dated 10.3.91. in accordance with rules within one month from the date of receipt of a copy of this order and pass a reasoned and speaking order. with intimation to the applicant.

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Thereafter, the applicant may also file a revision petition, if he chooses to do so.

5. The O.A. is disposed of with the above directions. No order as to costs.

N. Sahu
(N. SAHU)
MEMBER(A)

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

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