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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD.

ALLAHABAD, THIS THE 20<sup>th</sup> DAY OF SEPTEMBER, 2005

QUORUM: HON. MR. K.B.S. RAJAN, J.M.

HON. MR. A. K. SINGH, A.M.

ORIGINAL APPLICATION NO.1112 OF 2005

Babu Lal yadav, son of Shri Baba Ram Yadav, Resident of,  
Kamla Nagar (Kukra), Muzaffar Nagar..... Applicant.

Counsel for applicant : Shri S.P.S. Parmar &  
Sri I.N.Pandey.

Versus

1. Union of India through Secretary, Ministry of  
Communication, Department of Post, New Delhi.
2. R.B.L. Dixit, Senior Superintendent of Post Offices,  
Muzaffar Nagar.
3. K.R. Bhasania, Squad Incharge Inspector (Post) Shamli  
Region, Shamli, Muzaffar Nagar.

..... Respondents.

Counsel for Respondents : Sri

O R D E R (Oral)

HON. MR. K.B.S. RAJAN, J.M.

This application has been filed against suspension order dated 11.4.2005. Earlier, the applicant had approached the High Court, which has told that the proper forum is C.A.T. where the applicant can proceed in accordance with law. That is how the applicant has come to this Tribunal. However, since order of suspension is an appealable order under Rule 23 of the CCS(CCA) Rules, 1965 and since Section 20 places an embargo for entertaining the Original Applications when statutory remedies are not exhausted, the O.A. can not be entertained at this stage. The applicant has to exhaust the departmental remedy. As such, the applicant prays for withdrawing the O.A. with permission to file an appeal and approach the Tribunal in case any further grievance subsists. Permission is granted. The time taken by the applicant in prosecuting

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the case in different forum will be exempted for the purpose of limitation for making appeal against the interim order.

The O.A. is dismissed as withdrawn with the liberty as prayed for.

No order as to cost.

  
A.M.

  
J.M.

Asthana/