

(11)  
Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No.1427 of 2005.

Allahabad, this the 3<sup>rd</sup> day of October, 2007.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman  
Hon'ble Mr. P.K. Chatterji, Member-A

Sudarahan Pareek,  
Aged about 51 years,  
S/o Shri Shree Ram Pareek,  
R/o Q. No.FT-30A, Larmour Bagh.  
Defence Coloney,  
Cantt. Kanpur.

...Applicant.

By Advocate : Shri R.K. Shukla)

Versus

1. Unionn of India through the Secretary, Ministry of Labour & Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi -11.
2. The Chief Labour Commissioner (Central), Shram Shakti Bhawan, Rafi Marg, New Delhi-11.
3. The Secretary, Ordnance Factory Board, 10-A, Shaheed Khudi Ram Bose Road, Kolkata-1.
4. The General Manager, Small Arms Factory, Kalpi Road, Kanpur.

...Respondents

(By Advocate : Shri A. Mohiley  
Shri S. Singh

O R D E R

By Hon'ble Mr. Justice Khem Karan, V.C. :

The applicant is challenging his dismissal from service, which appears to be based on <sup>a</sup> conduct, which <sup>led</sup> ~~in~~ to his conviction. He never says that he has filed any departmental appeal as provided under the rules. A plea has been taken by the official

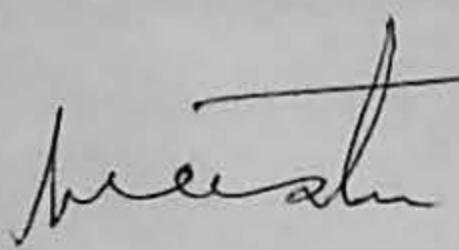
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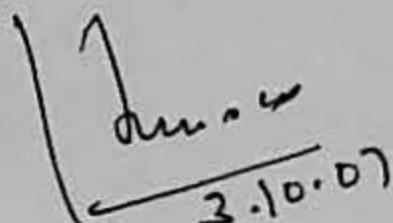
respondents that in absence of exhausting the remedy of appeal under the rule, the OA is not one, we should be admitted.

2. Learned counsel for the applicant says that the applicant may be given opportunity to file appeal and the respondents may be directed to entertain appeal and dispose it on merits. Learned counsel for the respondents has no objection.

3. So this OA is disposed of with a provision that in case the applicant prefers departmental appeal against the dismissal, within a period of one month from today, the appellate authority shall entertain and dispose it on merits, as expeditiously as possible. In case the applicant remains aggrieved even after ~~dismissal~~ <sup>disposal</sup> of appeal, he may pursue the remedy available to him in law. No costs.



Member-A



3.10.07

Vice-Chairman

RKM/