

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00313/2021

DATED THIS THE 17TH DAY OF JUNE, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)
(On video conference from Central Administrative Tribunal, Chandigarh Bench, Chandigarh)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)
(On video conference from his residence in Bangalore)

K.V. Srinivasa Prasad,
S/o V. Venkatapathy,
Aged 49 years, working as
Superintendent of Central Tax,
(Now removed from service)
O/o Principal Commissioner of Central Tax,
Vinaya Marga, Siddartha Nagar,
Mysuru-570 011, Residing at 126,
24th Cross, 11th Main, 1st Stage,
'D' Block, J.P. Nagar, Mysuru-570 031

....Applicant

(By Advocate Shri A.R. Holla- through video conference)

Vs.

1. Union of India,
By Secretary,
Department of Revenue,
North Block, New Delhi-110 001

2. The Principal Chief Commissioner of Central Tax,
Bengaluru Zone
C.R. Building, Queens Road,
Bengaluru-560 001

3. The Principal Commissioner of Central Tax,
Mysore Commissionerate,
Vinaya Marga, Siddartha Nagar,
Mysuru-570 011

....Respondents

ORDER (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant laying down therein a challenge to the order dated 3.3.2021 issued by the Principal Commissioner, Central Tax, GST Commissionerate, Mysuru vide which a penalty of removal from service has been imposed upon the applicant.

2. On a specific query being posed to Shri A.R.Holla, learned counsel for the applicant, he stated that so far the applicant has not availed the remedy of appeal against the aforesaid order dated 3.3.2021.

3. In view of the provisions of Section 20 of the Administrative Tribunals Act, 1985, this Tribunal cannot entertain an Original Application unless it is satisfied that the applicant has availed of all the remedies available to him under the relevant service rules for redressal of his grievances.

4. Admittedly, the remedy of appeal against the impugned order dated 3.3.2021 has not been availed of by the applicant before filing the present Original Application.

5. We are, therefore, of the view that the present Original Application cannot be entertained at this stage.

6. Accordingly, the Original Application is disposed of with liberty to the applicant to avail the remedy of appeal against the order dated 3.3.2021 and

if such an appeal is filed within a period of fifteen days from the date of receipt of a certified copy of this order, the Appellate Authority shall decide the same within a period of two months thereafter, without raising any plea of limitation.

7. Ordered accordingly.

8. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

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