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RESERVED

Court no. 1

Central Administrative Tribunal  
Allahabad.

Registration no. 22 of 1986.

Tara Dutt Kandpal .. Vs... Principal, Model Industrial  
Hon. Ajay Johri, Member, Training Institute, Haldwani  
Hon. G.S.Sharma, Judicial Member. others

(By Hon. G.S.Sharma, Judicial Member.)

This petition under section 19 of the  
Administrative Tribunals Act (Act No. 13 of 1985) is  
directed against the order dated 1.1.1986 passed  
by the respondent no. 1, which runs as follows :-

" Shri Dinesh Chandra Joshi is  
directed to take over complete  
charge of Raw Material, Tool and  
Equipment and other Stores from  
Sri Tara Dutt Kandpal, Assistant  
Store Keeper and report compliance  
before 7th January, 1986."

2. The applicant has been working as Assistant  
Store Keeper, Model Industrial Training Institute, Haldwani  
under the respondent nos. 1, 2 and 3 and his contention  
is that the order aforesaid amounts to the order of  
termination of his service or in any case, an order of  
retrenchment and is against the law. The application  
has been contested on behalf of respondent nos. 1, 2 and 3  
on various grounds. Their two technical objections about  
the maintainability of the application are (1) that the  
impugned order does not amount to termination of the  
service of the applicant and (2) in case it is treated  
to be an order of termination of service, an appeal lies  
against such order and in the absence of such appeal,  
this application is not maintainable.

3. Arguments were advanced on behalf of the  
parties even on the merits of the case but as this case  
can be disposed of on the legal grounds without entering

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into the merits of the case and as the applicant has already filed a Civil suit in the Court of Munsif Haldwani and the same is likely to be received by the Tribunal on transfer under section 29 of the Act No. 13 of 1985, it will not be expedient to consider the merits of the case of the applicant in this application.

4. The impugned order quoted above in verbatim is not an order of termination of service of the applicant nor does it amount to an order of retrenchment from service. Further, in para 17 of their reply, the contesting respondents have clearly stated that in view of the injunction order granted by Munsif, Haldwani on 30.10.1985, the order of termination of the service of applicant has not yet been passed. Thus, even the employers of the applicant did not treat the impugned order as an order of termination of the service of the applicant and as such, this application is premature and is not maintainable in law. Undoubtedly, an appeal under Rule 23 of the C.C.S.(C.C.A.) Rules 1965 lies against an order of termination of service. No such appeal has been preferred by the applicant. Sub-Section(1) of Section 20 of Act No.13 of 1985 provides that a Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service Rules as to redressal of grievances. The applicant has not made out any extra-ordinary case for invoking its jurisdiction by the Tribunal without exhausting the departmental remedies. His application is thus, not maintainable even on this ground.

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The application is accordingly dismissed.  
However, we pass no order as to costs.

Dated April, 11, 1986.

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