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Hon. D.S. Misra, Member (A)
Hon. G.S. Sharma, " " (T)

In this petition under section 19 of the Administrative Tribunals Act 13/85 against the order dt. 30/5/86 retiring the petitioner compulsorily by way of punishment after holding a disciplinary proceeding against him, he seeks leave to admit the petition without preferring a departmental appeal on two grounds. First, the order retiring the petitioner compulsorily is against law as he has not attained the requisite age required by rule 56 (g) of the Fundamental Rules, and secondly, he was not given full opportunity to prove his defence by the inquiring-officer in the disciplinary proceedings as the inquiring-officer refused to permit him to examine a hand-writing expert.

After a careful consideration of the whole matter, we find ourselves unable to accept the first contention

of the petitioner. When a person is retired compulsorily by way of punishment under rule 23 of the C.C.B. and C.C.A. Rules, the age of the delinquent is not to be considered. The second point can also be looked into by the appellate authority and that being done, there may not be any need to come to the Tribunal at all.

We, therefore, refuse to admit the petition without the petitioner having exhausted the departmental remedies for redressal and reject the same summarily. It is, however, clarified that in case an appeal is filed by the petitioner, the respondents shall dispose of the same within six months without fail.

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G.S. Sharma
3/6/86

Member (A) 2-6-86 Member (T)

RTD