

(A) C2

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION NO.757/ 1987

V.K.Pandey

Applicant.

Vs.

Union of India and others

Respondents.

Hon'ble D.S.Misra AM.

Hon'ble G.S.Sharma-J.M.

(Delivered by Hon'ble D.S.Misra)

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant has challenged the order dated 17th July, 1987 passed by Collector Central Excise Indore imposing the penalty of reducing his pay to the minimum of the time scale of pay Rs.1640-2900 for five years with the condition that the applicant would not earn increments during the period of reduction and on its expiry the reduction will have the effect of postponing future increments of pay. The applicant has not gone in appeal against this order of punishment to the appellate authority.

2. We have heard the learned counsel for the applicant, who contends that the impugned order is not in accordance with the order passed by this Bench of the tribunal on April 18, 1986 in Original Application no. 89 of 1986. Learned counsel contended that the respondents had obtained a stay of the order dated 18.4.86 from the Supreme Court of India by making incorrect statement of facts and the same was vacated when correct facts were brought to the notice of the court by the applicant. It is contended that this is a very exceptional case, which deserves to be admitted without the applicant's exhausting the departmental remedy of appeal available to him under the service rules.

3. We have considered the matter very carefully and we are of the opinion that there is no justification for admitting the petition without the applicant having exhausted the remedy of appeal available to him under the service rules.

The application is dismissed at the admission stage.

*Bhawan*  
A.M. 26/8/87

*S. Sharma*  
J.M. 26/8/87