

(3) (A3) 179/7

Central Administrative Tribunal, Allahabad.

Registration O.A.No.1296 of 1988

Surendra Bahadur Saxena ... Applicant

Vs.

Union of India and  
another ... Respondents.

Hon.D.S.Misra, AM  
Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

Aggrieved by the order dated 1.10.1988 passed by the General Manager Ordnance Factory, Kanpur- respondent no.2 removing the applicant from service on his conviction in a case under sections 147/342/353 IPC by the Metropolitan Magistrate Gwaltoli Kanpur, the applicant has moved this petition u/s. 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) for setting aside the said order with the allegations that the order was passed mechanically and even the authority to whom the appeal was to be filed by the applicant was not specified and the offences of which the applicant was found guilty are not of serious nature so as to render the applicant unfit for Government service and the applicant has already preferred an appeal against his conviction which is pending and his removal from service on that basis is illegal and is not sustainable under the law.

2. The learned counsel for the applicant was heard at the admission stage and he tried to justify the fact of not exhausting the departmental remedy of appeal by the applicant on the ground that prima-facie the order is bad in law and no appellate authority was specified in the impugned order and as such, it was neither necessary nor

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(4) (13/2)

possible for the applicant to file an appeal. We have very carefully considered the contentions raised before us and ~~we~~<sup>I</sup> are of the view that the cause shown by the applicant for not exhausting the departmental remedy of appeal is not sufficient. The applicant already stands removed from service and he has also not prayed for any interim relief. We, therefore, see no justification for admitting this petition without making the compliance of the provisions of S.20 of the Act.

3. The petition is accordingly dismissed at the admission stage.

*[Signature]*  
MEMBER(J)

*[Signature]*  
MEMBER(A)

Dated: 28.11.1988  
kkb