

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

APPLICATION O.A . NO. 779 OF 1988

Rajdeo Singh Applicant

Versus.

The Union of India & others..... Respondents.

Hon. Ajay Johri- AM
Hon. G.S.Sharma- JM

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In this application, an order dated 13.6.88 whereby the applicant was ordered to put off duty with immediate effect has been challenged. According to rule-9, pending Enquiry into a complaint or allegations of misconduct against an employee, the appointing authority or an authority to which the appointing authority is subordinate, may put him off duty. Against such an order an appeal lies under rule-10 which says that an employee may appeal against the order putting him off duty to the authority which the authority passing the order regarding putting him off duty is immediately subordinate. The applicant has not made ^{any} appeal against the order of his being put off duty which was served on 13.6.88 and which had immediate effect. A request is being made today for interim stay ~~also~~ ^{of} this order. In this request, it has been submitted that the applicant has no other source of livelihood and in case, the impugned order is not stayed, the applicant will suffer irreparable loss, which cannot be compensated in terms of money. We have questioned the statement made by the applicant in regard to no other source of livelihood because, no extra departmental employee can be appointed unless he has independent source of livelihood. Therefore, even this statement is wrong. In any case, since the departmental remedy has not been exhausted under section 20 of the Administrative Tribunal, 1985, this application cannot be admitted. Therefore, it is rejected at admission stage. The learned counsel for the applicant

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is requesting for a mention to be made that the appeal which he will make , may be decided expeditiously. We have no objection and we are sure that the department will definitely consider his request ~~expeditiously~~ ^{3/ expeditiously}. Copy of this order alongwith the copy of the petition be given to Shri K.C.Sinha, who is representing the respondents.

Sharma
MEMBER (J)

अजय जी
MEMBER (A)

Dt/15.7.1988/
Sh.