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Court No.2

Central Administrative Tribunal, Allahabad

Registration O.A.No.954 of 1988

Arjun Prasad Gupta

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Applicant

Vs.

Sub Divisional Inspector of  
Post Offices, Gorakhpur and  
others

Respondents.

.....

Hon. D.S.Misra, AM

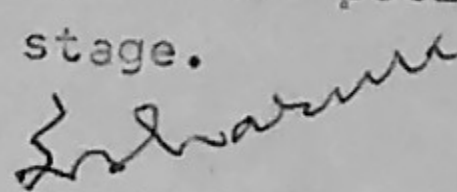
Hon. G.S.Sharma, JM

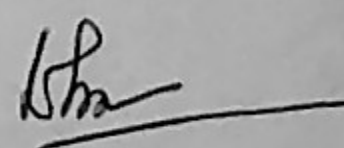
( By Hon. G.S.Sharma, JM)

This petition u/s.19 of the Administrative Tribunals Act XIII of 1985 is directed against the order dt. 30.7.1988 removing him from service by way of punishment in a disciplinary enquiry. The applicant had preferred an appeal against this order on 16.8.1988. The period of six months prescribed for waiting for the disposal of the appeal before filing the petition prescribed u/s.20 of the Act XIII of 1985 has not yet ~~been~~ expired. The learned counsel for the applicant contended that the applicant has rushed to the Tribunal without waiting for the statutory period of 6 months in order to get stay so that he may continue in service and no such stay can be granted by the appellate authority, it was stated to be a fit case for admission without exhausting the departmental remedy.

2. We have very carefully considered the contentions raised on behalf of the applicant but find ourselves unable to agree with the same. The applicant was removed from service with immediate effect under the impugned order and he stands removed. As such, the question of stay does not arise. In our opinion, this petition is pre-mature and is not maintainable.

3. The petition is accordingly dismissed at admission stage.

  
MEMBER (J)

  
MEMBER (A)

Dated: 27.9.1988  
kkb