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Central Administrative Tribunal, Allahabad.

Registration O.A.No.1066 of 1988

Tusli Prasad

... Applicant

Vs.

Union of India & others

.... Respondents.

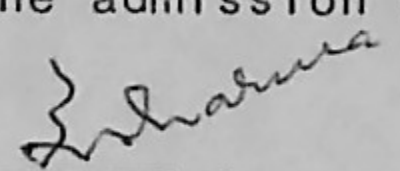
Hon.D.S.Misra, AM
Hon.G.S.Sharma, JM

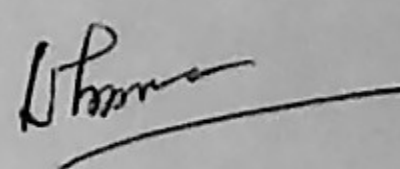
(By Hon.G.S.Sharma, JM)

This petition u/s.19 of the Administrative Tribunals Act XIII of 1985 has been filed for setting aside the order dated 31.5.1988 passed by the respondent no.3 putting the applicant off duty. The contention advanced on behalf of the applicant is that rule 9 of the Extra Departmental Agents (Conduct and Service) Rules, 1964 is not attracted in this case and the order putting off the duty is illegal and without jurisdiction.

2. We have carefully considered the contentions raised before us and it appears from the impugned order, annexure 6 that this was passed under rule 9 and as such, it is not correct to say that the order is without jurisdiction or illegal. We further find that an order putting off duty passed under rule 9 is appealable under rule 10 and no appeal seems to have been preferred by the applicant. As the applicant did not exhaust the departmental remedy, this petition is not maintainable.

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


MEMBER(J)


MEMBER(A)

Dated: 3rd Oct.1988
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