

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD

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Original Application No.237 of 1993

Raj Narain Pandey .. .. Applicant  
Vs.  
Union of India and others .. .. Respondents

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HON'BLE MR JUSTICE R.K.VARMA, V.C.  
HON'BLE MISS USHA SEN, MEMBER(A)

( by Hon'ble Mr Justice R.K.Varma, V.C. )

Shri R.K.Nigam learned counsel for petitioner.

Shri S.C.Tripathi learned counsel for respondents.

The petitioner has challenged the order of putting him off duty passed by respondent No.2 Superintendent, Post Offices, Nainital on the ground that the order putting him off duty is not supported by ratification by next higher authority and as such the impugned order stands revoked after expiry of one month from the date of the order. Learned counsel for the respondents has raised an objection to the maintainability of this petition on the ground that the petitioner has not availed the remedy of the appeal which is provided under Rule 10 of E.D.A.(Conduct & Service) Rules. The petitioner is, however at liberty to file an appeal before the appellate authority under Section 10 of E.D.A. (Conduct & Service) Rules within fifteen days from the date of this order and it is directed that the appellate authority shall decide the appeal <sup>Rkr on merits or</sup> within two months of the filing of appeal by a speaking order.

With the <sup>as</sup> direction made above this petition is dismissed being pre-mature with no order as to cost.

*Ush*  
MEMBER-Administrative

*R.K. Varma*  
VICE CHAIRMAN

Dated: Allahabad, February 22, 1994.  
(VKS PS)

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