

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH :ALLAHABAD

ORIGINAL APPLICATION NO.1782 OF 1993

ALLAHABAD THIS THE 22nd DAY OF November, 2006

HON'BLE DR. K.B.S. RAJAN, J.M.
HON'BLE MR. P. K. CHATTERJI, A.M.

Sri Narain Ram Bhadrwaj,
Ex-PM XXXI P.A.A., A/A 46 yers,
S/O Sri Sita Ram,
R/o Avas Vikas Colony, M.SB-666,
Nainital.

.....Applicant

By Advocate: Shri Anupam Shukla)

Versus

1. Union of India
through its Senior Superintendent of Post Offices,
Nainital Division, Nainital.
2. Director Postal Services, Bareilly.

.....Respondents

By Advocate : Shri S. Singh

O R D E R

HON'BLE DR. K.B.S. RAJAN, J.M.

The applicant has filed OA way back in 1993 challenging the impugned order dated 29.09.1993 whereby he has been removed from service as a matter of punishment for certain alleged misconduct. According to the applicant, on the same set of facts criminal prosecution was also lodged against him in which vide judgment dated 30.01.2006 he was acquitted of the charges by the criminal court.

2. The counsel for the respondents submits that the OA has been filed without exhausting the statutory remedies available to the applicant and the counsel for the applicant admits this fact that no appeal against the impugned order has been filed by ^{The applicant} ~~him~~. This OA has been filed on 25.11.1993 and thus, this has been filed well within the time limit for filing appeal before the competent Appellate Authority. As section 20 of the Administrative Tribunals Act mandates statutory remedies to be exhausted before approaching this Tribunal, it is appropriate, that the applicant first exhausts his remedies under the CCS (CCA) Rules 1965 and may approach this Court only if there is any grievance that subsists after exhausting the remedies.

3. The OA is disposed of accordingly granting leave to the applicant to file departmental appeal within a period of 15 days from today and in case the same is received by the Appellate Authority that appeal shall be considered on merit and disposed of ^{by} ~~the same~~ within a period of three months thereof. As the applicant has come to this Tribunal within the time limit available for filing appeal, the delay in filing the appeal is condoned under the ~~exhausting~~ ^{by} provisions of Limitation Act. No Costs.

Meeahr

Member-A

Badar

Member-J

/ns/