

(4)

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 22th day of *November*, 2006.

ORIGINAL APPLICATION NO. 142 OF 2006

**HON'BLE MR. K. ELANGO, MEMBER- J.
HON'BLE MR. M. JAYARAMAN, MEMBER- A.**

Narendra Prasad, S/o Late Sri Tunnu,
Presently residing at Jagat Bahadur Patel,
House No. 187-B, Hasting Road, Newada,
Distt. Allahabad.

.....Applicant.

VER S U S

1. Union of India through the Chief of the Army Staff,
New Delhi,
2. Administrative Officer, C.O.D, Chhewki,
Allahabad.
3. Commanding Officer, C.O.D. Chhewki,
Allahabad.

.....Respondents


Counsel for the Applicant:
Counsel for the Respondents:

Sri R.M. Mishra
Sri S. Singh

ORDER

BY HON'BLE MR. M. JAYARAMAN, AM.

Heard Sri R.M. Mishra, learned counsel appearing for the
applicant and Sri S. Singh for the respondents .

2. At the out set, counsel for the applicant was asked ^{as to} ~~what~~ against 
what order/letter, he has come before this Tribunal . As per the
counsel, the applicant is working as Safaiwala since January 1990

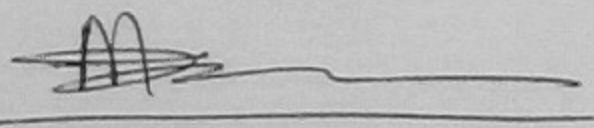


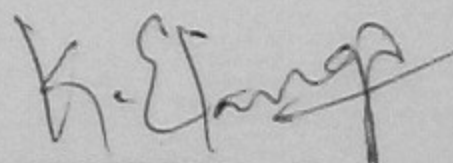
and suddenly on 30.04.2005, he was orally dismissed by the respondent No. 3. He seeks direction to be issued by this Tribunal to respondent No. 2 to give him letter/show cause notice or charge sheet or whatsoever against which he could make representation.

3. Learned counsel for the respondents briefly states that in this case, the applicant was absent in an unauthorized manner since 04.10.2000 till 30.04.2005 and during this period, number of letters were issued by the respondents asking him to join the duties forthwith and a Show Cause Notice and charge sheet were also issued proposing the disciplinary action against him, but none of which has been received by him and as such these letters have been returned by the Postal authorities as undelivered.

4. We have given our careful consideration to the arguments given by the rival sides and find that there is no cause of action in this case, ~~which is~~ giving rise to this O.A before this Tribunal. The counsel for the applicant merely states that the applicant was orally dismissed from service and he is aggrieved by the oral direction. This Tribunal cannot take cognizance of oral direction that might have been issued by any authority. In the facts and circumstances, we are not inclined to entertain this O.A. However, the applicant is advised to take up the matter with the higher authorities in the department and get a letter/order issued, by which if he is aggrieved, he can come to this Tribunal or can seek any alternative remedy available to him.

5. With the aforesaid observation the O.A is dismissed as not maintainable with no order as to costs.


MEMBER- A.


MEMBER- J.

/Anand/