

CORAM : HON'BLE MR. A. V. HARIDASAN .. JUDICIAL MEMBER.

HON'BLE MR. M. M. SINGH .. ADMINISTRATIVE MEMBER.

ORAL ORDER

29.1.1990

(Hon'ble Mr AV Haridasan, Judicial Member)

The prayer in this application filed under Section 19 of the Administrative Tribunals Act is that the order dt. 5.8.87 removing the applicant from service may be quashed and that the respondent may be directed to reinstate the applicant with all consequential benefits. The applicant was removed from service after departmental inquiry for some alleged misconducts. It is alleged in the application that neither a copy of the inquiry report nor the order of the disciplinary authority imposing the penalty was served on the applicant so as to enable him to file an appeal. When the matter came up for admission the learned counsel for the respondents produced a copy of the proceedings of the disciplinary authority imposing on the applicants penalty of dismissal from service. Since an appeal is statutorily provided for against the order of the disciplinary authority, the applicant has to exhaust that remedy. In view of the fact that a copy of the order of punishment was given to the applicant only after he approached this Tribunal, the respondents have to be directed to receive the appeal and to dispose of the same within a given time and that application has to be disposed of with that direction. The learned counsel on either side

also submitted that it may be done so. Hence the applicant is directed to file an appeal against the impugned order of punishment to the appropriate authority within a period of one month from this date and the respondents are directed to dispose of this appeal, if filed, within a period of two months on receipt of the appeal memorandum. ^{if} [^] The applicant is aggrieved by the outcome of the appeal, he will be free to approach appropriate forum for the proper relief. No order as to costs.

M. M. Singh

(M. M. Singh)
Administrative Member



(A. V. Haridasan)
Judicial Member