

To be taken on 19.6.1991

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~

~~XAMMERABAD~~

AHMEDABAD BENCH

O.A. No. 180

1991

~~P.A. No.~~

DATE OF DECISION 19.6.1991

Shri Dinesh G. Solanki

Petitioner

Applicant in person

Advocate for the Petitioner(s)

Versus

Union of India & Ors

Respondent

Mr. P. M. Raval

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh

: Administrative Member

The Hon'ble Mr. R.C. Bhatt

: Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

Shri Dinesh G. Solanki,
C/o. M.K. Parmar,
12, Mahatma Gandhi Plot,
Rajkot.

: Applicant

(Applicant in person)

Versus

1. Union of India
Through
Secretary Deptt. of
Communications, New Delhi.

2. Divisional Engineer,
Telegraphs Rajkot O/o
G.M. Telecom District,
Rajkot-360 001.

3. Dy. General Manager,
O/o General Manager
Telecom District, Rajkot

: Respondents

(Advocate: M.R. Raval for
Mr. P.M. Raval)

O R A L O R D E R

O.A./180/91

Date: 19.6.1991

Per: Hon'ble Mr. M.M. Singh

: Administrative Member

1. Heard the applicant in person. None present for the respondents.

2. This Original Application has been filed by the applicant Telephone Operator ^{of H} in Jetpur Telephone Exchange against an order treating his period of absence from 28.7.81 to 23.7.1987 as 'Dies non' in that the period will not count for leave, pension, etc.


3. The averments in the application are that his father ^H has expired and his mother fallen sick ^{and his presence} ~~it was~~ necessary for his parents and he was compelled to remain on leave from 16.8.1981 for which he submitted necessary leave applications for certain periods. However, a chargesheet dated 14.7.1982 issued against him under Rule 14 of the Central Civil Services ^H (Classification Control and Appeal) Rules, 1965 for overstayed ^{H al} from duty without permission. The applicant says that he did not received ^H the said chargesheet till 4.5.1987 and that the same was made available to him on request. We have

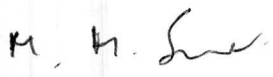
: 3 :

perused the chargesheet. Dated 5.5.1987 figuring in it
As the date of true copy, from that alone it cannot be
read that the chargesheet was received by the applicant
on 5.5.1987.

4. At present the applicant is on duty. When a regular
departmental inquiry has been held and the applicant
punished, he has to exhaust the right of appeal to the
prescribed departmental authority. He says that he has
received no order of punishment. He says that only order
of punishment given to him is dated 10.1.1990. This
Annexure A/1, dated 10.1.1990 is not the order of
punishment. It is an order amending final order dated
2.11.1989 issued in respect of the applicant with regard
to period of his absence from 28.7.1981 to 23.7.1987.
He was required to exhaust his right of appeal against
the order dated 2.11.1989. As such, he exhausted no such
right of appeal to the department against the order dated
2.11.1989, ^{therefore} he has no right to seek redressal of his
grievance ^{in this Bench} by filing this application, ^{to the department}.

5. The application, therefore, is not maintainable.
The same is rejected.


(R.C. Bhatt)
Judicial Member


(M.M. Singh)
Administrative Member