

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 671 of 1993

~~T.A. No.~~

DATE OF DECISION 20.1.1995.

Shri S.A. Shah Petitioner

Mr. M.S. Trivedi Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Mr. Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. Radhakrishnan, Member (A)

The Hon'ble ~~Mr.~~ Dr. R.K. Saxena, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri S.A. Shah,  
Inspector of Central Excise &  
Customs,  
Ahmedabad.

..... Applicant

(Advocate : Mr.M.S. Trivedi)

Versus

1. Union of India,  
Through the Ministry of Direct  
Taxes (Secy. Finance),  
New Delhi.
2. The Principal Collector,  
Central Excise & Customs,  
Vadodara.
3. The Collector,  
Customs & Excise,  
Income Tax,  
Customs House,  
Navrangpura,  
Ahmedabad - 9.

..... Respondents

(Advocate : Mr. Akil Kureshi)

J U D G M E N T

O.A. NO. 671 OF 1993

Date : 20.1.1995.

Per : Hon'ble Mr. V. Radhakrishnan, Member (A)

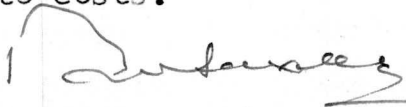
Heard Mr. M.S. Trivedi, learned advocate for the applicant and Mr. Akil Kureshi, learned advocate for the respondents.

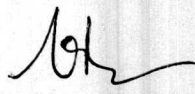
2. The applicant who is an Inspector in the Customs & Excise Department has filed this application challenging the order of suspension passed against him on 3-11-93 by the respondent authority. He has prayed for quashing and

setting aside the suspension order passed against him by the respondents as illegal and null and void and to direct the respondents to treat the applicant on duty and allow him to perform his duties as Inspector of Customs & Excise.

3. At the time of admission hearing, Mr. Akil Kureshi, learned advocate for the respondents putforth the point that the applicant has not followed procedure laid down in the CCS (Classification & Control Appeal) Rules, 1965. According to which Rule 23 he has to prefer an appeal against the order of suspension made against him and unless he exhausts this departmental remedy he is barred under sec.20 of the Administrative Tribunal's Act, 1985 to approach the Tribunal. Mr. Trivedi, Learned Advocate for the applicant contended that the applicant has not filed any appeal against the suspension order and according to him, as per the terminology of sec.20 "the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of ~~all~~ the remedies available to him under the relevant service rules as a redressal of grievances".

4. After listening to the arguments of both the learned advocates and after going through the rules, we are of the view that the contention taken by the learned advocate, Mr. Akil Kureshi requires to be sustained. The applicant has not preferred an appeal against the order of suspension under rule 23 of CCS (CCA) Rules, 1965 which is an essential condition before he approached the Tribunal for any relief Accordingly, we dismiss the O.A. as pre mature. No order as to costs.

  
(Dr. R.K. Saxena)  
Member (J)

  
(V. Radhakrishnan)  
Member (A)