

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.223 of 1991

Cuttack this the 23rd day of November, 1995.

BRUNDABAN MISHRA

... ..

APPLICANT

VRS

UNION OF INDIA AND OTHERS

... ..

RESPONDENTS

( FOR INSTRUCTIONS )

1. Whether it be referred to the reporters or not? <sup>no</sup>
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? <sup>no</sup>

*N. Sahu*

(N. SAHU)

MEMBER (ADMINISTRATIVE)

*D.P. Hiremath*  
(D.P. HIREMATH)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
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CORAM:

THE HONOURABLE MR. JUSTICE D.P.HIREMATH, VICE CHAIRMAN

AND

THE HONOURABLE MR. N. SAHU, MEMBER (ADMINISTRATIVE)

....

Shri Brundaban Mishra, aged about 57 years,  
son of late Lingaraj Mishra of village  
Lala Sasan, PS Aska, PO Aska, District -  
Ganjam, at present working as Dupdt. (P&T),  
Central Excise and Customs, Cuttack.

... Applicant

By the Applicant .... M/s. Antaryami Rath, A.C. Rath, Advocates.

Versus

1. Union of India represented through its  
Secretary to Government of India,  
Ministry of Finance, Department of Revenue,  
New Delhi.
2. Collector of Central Excise and Customs,  
Rajaswa Vihar, Bhubaneswar, Dist-Khurda. ... Respondents

By the Respondent : Mr. P.N. Mohapatra, Additional Standing  
Counsel (Central).

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ORDER

MR D.P.HIREMATH, VICE CHAIRMAN : Heard learned counsel for both

sides. Read the decision of the Supreme Court reported in AIR 1990 SC 10 (S.S.Rathore Vrs. State of M.P.). When it is abundantly made clear that Section 20 of the Administrative Tribunals Act is mandatory and without taking <sup>recourse</sup> ~~reports~~ to that provision, application <sup>not</sup> can be entertained by the Tribunal. Though that decision was not referred to by the Guwahati Bench of the Central Administrative Tribunal in the case of D.K.Zeliang Vs. State of Nagaland and others reported in ATR 1992 (2) 452, the very same view was taken. That being the position of law as now it stands, the application is not maintainable. The same is dismissed giving liberty to the petitioner to approach before this Tribunal after availing all the remedies available under the Rules.

2. With these directions and observations, the application is disposed of. No costs.

*N. Sahu*  
( N. SAHU )  
MEMBER (ADMINISTRATIVE)

*D.P. Hiremath*  
(D.P.HIREMATH)  
VICE-CHAIRMAN