

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA.737 of 1996

Date of Order: 30.4.98.

Present: Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.
Hon'ble Mr. S. Dasgupta, Administrative Member.

G. ANANDA RAO

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr. Samir Ghosh, counsel.

For the respondents: Ms. B. Ray, counsel.

Heard on: 30.4.98.

O R D E R

S.N. Mallick, V.C.

1. We have heard the ld. counsel appearing for both the parties.


2. At the time of admission hearing, a preliminary objection has been taken by the ld. counsel appearing for the respondents that the application is premature and is not maintainable in view of the fact that the petitioner has filed this application without preferring an appeal against the impugned order passed by the Disciplinary Authority on 13.3.96 (Annexure-G to the petition). Ld. counsel appearing for the petitioner, Mr. Samir Ghosh, in all fairness considers that the application is a premature one and the petitioner should have preferred an appeal under the relevant rules within the prescribed time.

3. Under the circumstances, we accept this contention of the ld. counsel appearing for the respondents that the present application is not maintainable and is also premature one.

Accordingly, we dispose of this application without passing any order on merits with this direction that the petitioner will be at liberty to file an appeal against the impugned order of punishment passed by the Disciplinary Authority on 13.3.96 before the Appellate Authority within 3 weeks from this day supported by an application for condonation of delay which the Appellate Authority shall consider by passing a speaking order. We also direct that the instant application should be treated by the Appellate Authority as part of the Appeal to be filed by the petitioner as directed. No order as to costs.



(S. Dasgupta)
Member(A)



(S.N. Mallick)
Vice-Chairman.

s.b.