

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR.**

ORIGINAL APPLICATION NO. 189/2005

DATE OF ORDER: 12.09.2006

**CORAM**

**HON'BLE MR. J K KAUSHIK, JUDICIAL MEMBER.**

**HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER.**

Sunil Pandit S/o Shri Shiv Charan Ji, aged about 29 years, by caste - Pandit, resident of - House No. 222/10, Gol Purobion Ka Bas, Ramdev Ji Ki Gali, Umeed Chowk, Jodhpur (Raj.) posted as - Conservancy Safaiwala ( Class-IV employee) in the office of - Station Head Quarter (Army), Jodhpur (Raj.).

...Applicant.

**VERSUS**

1. Union of India through the Secretary to Ministry of Defence, Government of India, Raksha Bhawan, New Delhi.
2. The Station Superintendent, Station Head Quarter, Army, Jodhpur (Raj.).
3. The Adm. Commandant, C.L.-I, Station Head Quarter, Army, Jodhpur (Raj.).

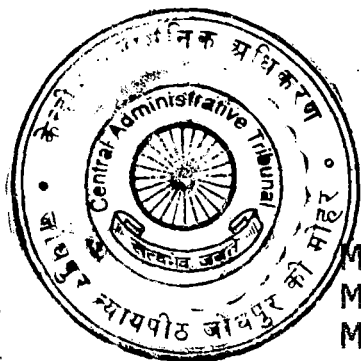
...Respondents.

Mr. Hemant Shrimali, counsel for the applicant.  
Mr. M. Godara, proxy counsel for  
Mr. Vinit Mathur, counsel for the respondents.

**ORDER (Oral)**

Shri Sunil Pandit, the applicant, has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, wherein he has assailed the order dated 24.03.2005 (Annexure A/3) by which a punishment of dismissal from service has been inflicted. He has also sought for quashing and setting aside the same with all consequential benefits. In the alternative prayer, he has been prayed that the appeal dated 21.04.2005 (Annexure A/5) of the applicant may be directed to be decided.

2. We find from the pleadings as well as from the submissions of both the parties that the appeal dated 21.04.2005 (Annexure A/5) has still not been decided. The respondents have taken a

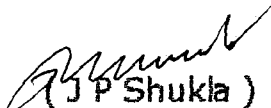


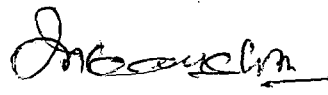
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specific objection regarding non-availing the alternative remedy and have categorically submitted, in the reply, that the O.A. is premature.

3. The learned counsel for the respondents still maintains the stand of the respondents. In any case at this juncture, the learned counsel for the applicant itself comes for the rescue and submits that it would be appropriate if the respondents decide the appeal of the applicant on merits meeting out all the points and grounds raised therein.

4. In view of the aforesaid submissions, we find it expedient to dispose of this Original Application with a direction to the Appellate Authority i.e. respondent No. 2 to decide the appeal dated 21.04.2005 (Annexure A/5), filed by the applicant, on merits within a period of two months from today. It is scarcely necessary to mention that the appellate authority shall take into account the relevant provisions i.e. Rule 27(2) of the CCS (CCA) Rule, 1965 and pass a detailed and exhaustive order after giving an opportunity of personal hearing to the applicant in the matter. However, this order shall not foreclose the rights of the applicant to agitate the matter afresh in case the applicant still feels aggrieved by any order that may be passed by the appellate authority. There shall be no order as to costs.

  
( J P Shukla )  
Administrative Member

  
( J K Kaushik )  
Judicial Member

Part II and III destroyed  
in my presence on 11/4/4  
under the supervision of  
section officer (J) as per  
order dated 3/1/51

  
Section officer (Record)

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1971  
