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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No.211/2007

Date of decision: 17.09.2007

Hon'ble Mr. Kuldip Singh, Vice Chairman,

Hon'ble Mr. R.R. Bhandari, Administrative Member.

Guman Singh, S/o Shri Bhanwar Singh, aged 49 years Ex. Leading fireman 'B' Heavy Water Plant, Kota, Anu Shakti, District, Chittorgarh, r/o C/o R.C. Srivastva, block 20/120, Heavy WaterPlant Colony, Rawatbhat, District Chittorgarh.

: Applicant.

Rep. By Mr. Vijay Mehta : Counsel for the applicant.

VERSUS



1. Union of India through the Secretary, Department of Atomic Energy, Chhtrapati Maharaja Shivaji Marg, Mumbai.
2. General Manager, Heavy Water Plant (Kota), Anushakti, District, Chittorgarh.
Chief Executive, Heavy Water Board, Vth Floor, V.S. Bhawan, Anushakti Nagar, Mumbai.

: Respondents.

ORDER

Per Mr. Kuldip Singh Vice Chairman.

The applicant in this case was proceeded against under Rule 14 of the CCS (CCA) Rules, 1964. An inquiry was conducted and he was given reasonable opportunity to defend himself. The inquiry officer submitted his report. Out of five charges, the applicant was found was guilty of suppressing the vital information of his arrest and under police/judicial custody in a criminal case. In two other charges the applicant was found guilty. The remaining two charges were held not proved. The inquiry report was submitted to the Disciplinary Authority. The copy of the inquiry report was also sent to the applicant on 01.06.2006, by the

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Disciplinary Authority asking him to make representation if any, within a period of 15 days. The applicant submitted his representation on 15.06.2006. The Disciplinary Authority after going through the inquiry report and the representation submitted by the applicant carefully, imposed the punishment of Dismissal from service vide order dated 27.09.2006. The applicant was given 45 days time to prefer appeal. Thereafter the applicant has filed his appeal on 11.11.2006. According to the applicant himself, his appeal is still pending and no orders have been passed by the Appellate Authority so far. At this stage the applicant has come before this Tribunal for setting aside order dated 27.09.2006.

We have heard the learned counsel for the applicant and perused the papers carefully. Admittedly, the applicant has not availed of the departmental remedy available to him under the Rules and rushed to the Tribunal in haste. Therefore, we are of the view that this application is premature at this stage. Since the applicant has preferred an appeal on 11.11.2006, and the same is still pending, we direct the respondents to dispose of the same by passing a speaking order in accordance with law and the judicial pronouncements on the subject within a period of two months from the date of receipt of a copy of this order. After disposal of the appeal, if any grievance still persists, the applicant is at liberty to approach this Tribunal in accordance with law. O.A. is disposed of as above.

R.R. Bhandari
 (R.R. Bhandari)
 Administrative Member
 jsv

Kuldeep Singh
 (Kuldeep Singh)
 Vice Chairman.

NO. 212 to 214.
Dt. - 10.10.92

Part II and III destroyed
in my presence on 04.6.94
under the supervision of
section officer () as per
order dated 26.6.94

Section officer (Record)