

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.80/99

Friday this the 22nd day of January, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

N.Sreedharan,
Sorting Assistant,
Sub Record Office, Railway Mail Service,
(Trivandrum Division),
Department of Posts,
Tiruvalla-689101,
Kerala State.

...Applicant

(By Advocate Mr. K. Gopalan)

Vs.

1. The Senior Superintendent
Railway Mail Service,
(Trivandrum Division)
Department of Posts,
Thiruvananthapuram-33.

2. The Assistant Superintendent of
Railway Mail Service
Trivandrum Division,
Tiruvalla-689101.

3. Union of India represented by the
Secretary, Ministry of Communications,
Department of Posts,
Central Secretariat,
New Delhi.

...Respondents

(By Advocate Mr. Govindh K Bharathan, SCGSC (rep.)

The application having been heard on 22.1.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

This application is directed against the order dated 26.11.98 (A5) of the 1st respondent by which a penalty of withholding of increment for a period of one year without cumulative effect was imposed on the applicant after serving on him a charge sheet under Rule 16 of the CCS(CCA) Rules, 1965. The applicant has not filed any appeal against the order. The applicant has averred in the application that no efficacious remedy is available to him and the appeal has not been resorted to by him as the departmental officials are all biased against him.

2. Senior Central Government Standing Counsel takes notice on behalf of the respondents. I have perused the application and have heard the counsel. Learned counsel for applicant states that the impugned order is vitiated on account of error of law and therefore it would be an unnecessary time consuming process if an appeal is filed. He also states that as the entire departmental authorities are biased against the applicant an appeal to the appellate authority would not be an efficacious remedy and that therefore the application may be entertained. I do not find any circumstances in this case which would prima facie show that the impugned order suffers from such a legal infirmity as would make an appeal against it redundant or unnecessary. The mere averment that the departmental authorities are biased against the applicant is also not a sufficient reason to admit the application before the applicant exhausts the statutory remedy of appeal. According to Section 20 of the Administrative Tribunals Act the Tribunal should not ordinarily entertain an application unless the applicant has availed of the departmental remedies. I do not find any extra ordinary circumstance warranting admission of this application before the applicant exhausts the departmental remedy. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 22nd day of January, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A-5: True photostat copy of thorder No. KUisc/16/17/98 dated 26.11.98 of the Senior Superintendent, Railway Mail Service (Trivandrum Division).

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