

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**ORIGINAL APPLICATION No. 345/2009**

This the 01<sup>st</sup> day of September, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (J)**  
**Hon'ble Dr. A.K. Mishra, Member-A**

Pawan Kumar Yadav, aged about 35 years S/o Sri Baijnath R/o Village-Partosh, Post-Dhunmaur, Tehsil-Amethi, District-Sultanpur.

.....Applicant

By Advocate: Sri V.K. Srivastava.

**Versus**

1. Union of India through Secretary, Ministry of Defence, Union of India, New Delhi.
2. Chief Engineer, Head Quarter, Central Command, Cantt., Lucknow.
3. Commander Works Engineer, Head Quarter Central Command, 229, MG Road, Cantt., Lucknow.

.....Respondents

By Advocate: Sri S.P. Singh.

**ORDER (Oral)**

**By Ms. Sadhna Srivastava, Member-J**

The applicant seeks quashing of order dt.20.3.2008, passed by the Chief Engineer, Head Quarter, Central Command, Cantt., Lucknow i.e. Respondent No.2 whereby, the applicant has been removed from service after departmental enquiry. Admittedly, no appeal has been filed against the order of removal. At this stage, counsel for applicant submitted that this OA can be disposed of with a liberty to the applicant to file an appeal before the Appellate authority.

2. Shri S.P. Singh, counsel for respondents raised Preliminary objection that the OA is not maintainable as the applicant has not exhausted the departmental remedy.

3. In view of the submissions made by the counsel for applicant, the OA is disposed of with liberty to the applicant to file an appeal against the order dt.20.03.2008 before the Appellate authority within a period of 2 weeks and in turn the Appellate authority is directed to dispose of the appeal



of the applicant within three months after receipt of the appeal by reasoned and speaking order in accordance with rules on merits.

4. The OA is disposed of accordingly. No order as to costs.

  
**(Dr. A.K. Mishra)**  
**Member-A**

  
**(Ms. Sadhna Srivastava)**  
**Member-J**

*Amit/-*