

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No. 163/2012

This the 2<sup>nd</sup> day of May, 2012

Hon'ble Justice Sri S. C. Sharma, Acting Chairman  
Hon'ble Sri S. P. Singh, Member (Administrative)

Ravi Kant Pandey, aged about 46 years, son of Late Hari Kishore Pandey, resident of 156, Shankaracharya Nagar, Near Bypass, Semra Gaon, P.S. Naubasta, District Kanpur Nagar presently posted as Junior Account Officer, Bharat Sanchar Nigam Limited, Office of T.D.M. Unnao.

Applicant

By Advocate Sri R. K. Mishra.

Versus

1. Chief Managing Director, B.S.N.L., 20, Ashoka Road, New Delhi.
2. Chief General Manager, BSNL (East) Telecom Circle, Lucknow.
3. General Manager (Finance), U.P. (East) Telecom Circle, Lucknow.

Respondents

By Advocate Sri G. s. Sikarwar.

Order (Dictated in Open Court)

By Hon'ble Justice Sri S. C. Sharma, Acting Chairman

We have heard Sri R. K. Mishra advocate for applicant and Sri G. S. Sikarwar advocate for respondents.

2. On the previous date order was passed that the applicant will address on the point of exhausting other remedies as provided under Section 20 of the AT Act. The learned counsel for the applicant argued that he has come on the principle of natural justice and he has not availed the remedy as provided under Section 20 of the AT Act. But it has been provided under Section 20 of the AT Act that the original application will not be entertained if alternative departmental remedy as well as statutory remedy have not been availed. In the present case, the applicant has not availed the statutory remedy of filing his appeal before the appellate authority and hence the O.A. is not maintainable. However, at this stage, learned counsel for the applicant stated that he will prefer an appeal before the appellate authority and he wants to withdraw the original application.

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3. Sri G. S. Sikarwar, advocate for respondents has no objection. He stated that the appeal will be barred by limitation. But we are not commenting on the point of limitation at this stage.

4. Advocate for the applicant is permitted to withdraw the O.A. and the same is dismissed as withdrawn. In case, the appeal is filed, the same shall be decided as law. No order as to cost

  
(S. P. Singh)  
Member (A)

  
(Justice S. C. Sharma)  
Acting Chairman

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