

Central Administrative Tribunal, Lucknow Bench,
Lucknow
Original Application No.50/2010

This the 8th day of February, 2010

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

Raj Kumar Awasthi, aged about 57 years, Son of Late Shri Devi Charan, Resident of E-3/254, Vinay Khand, Gomti Nagar, Lucknow.

Applicant
By Advocate Sri A. K. Jauhari.

Versus

1. Union of India, through the Secretary, Home Department, New Delhi.
2. Registrar General of India, Census Department, New Delhi.
3. Director Census Operation, Likhraj Market Indira Nagar, Lucknow.
4. Deputy Director (Karyalaya Adhyaskh)/Disciplinary Authority, Director Census Operation, Lekhraj Market, 111 Indira Nagar, Lucknow.
5. Suresh Chand, Assistant Director (Administration) Directorate Census, U.P. Lucknow.

Respondents

By Advocate Sri G. K. Singh.

Order (Oral)

By Hon'ble Ms. Sadhna Srivastava, Member (J)

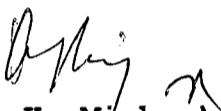
The applicant is aggrieved by the impugned order of punishment of compulsory retirement dated 07.01.2010 which has been passed after holding detailed inquiry under Rule 14 of CCS (CCA) Rules. He filed an appeal dated 13.1.2010 against the order of compulsory retirement which is still pending. The counsel for the respondents raised the preliminary objection that the O.A. is premature because the appeal was filed on 13.1.2010 and the instant O.A. has been filed on 3rd February 2010. Therefore, in view of Section 20 of the AT ACT, the O.A. is liable to be dismissed on the ground of premature.

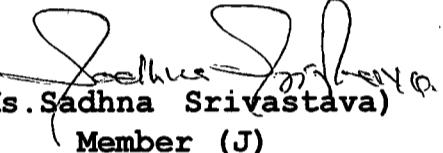
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2.

Keeping in view the submissions made by the counsel for the parties, we are of the view that the O.A. can be disposed of at the admission stage itself by giving a suitable direction to the Appellate Authority.

3. Accordingly, the Appellate Authority is directed to decide the appeal dated 13.1.2010 as contained in Annexure -13 by passing a reasoned and speaking order in accordance with rules within a period of three months from the date of receipt of copy of this order. No costs.


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


(Ms. Sadhna Srivastava)
Member (J)

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