

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY.

Stamp No. 569/88
~~Original Application No. 540/88.~~

v/s.

1. The Union of India - Secretary to the Government of India Ministry of Finance, Department of Economic Affairs, North Block, Central Secretariat, New Delhi 110 001.
2. General Manager, India Security Press, Nasik Road - 422 101 ... Respondents.

Coram: Hon'ble Member(A), Shri P.Srinivasan,
Hon'ble Member(J), Shri M.B.Mujumdar.

Appearances:

Shri T.K.Gupte,
advocate for the
applicant and
Shri V.G.Rege,
Counsel for the
Respondents.

Oral Judgment:

(Per Shri P.Srinivasan, Member(A)) Dated: 31.8.1988

This application has come up before us for admission today. Shri T.K.Gupte for the applicant and Shri V.G.Rege for the respondents have been heard.

2. The application as it stands at present does not contain any prayer for final relief. It also discloses that a departmental inquiry has been held against the applicant, but no order has been passed as a result of the departmental inquiry. However, the applicant seeks by way of interim relief stay of the order of punishment. When no order of punishment has been received by the applicant and no such order has therefore been enclosed to the application, the question of staying ^{the} ~~that~~ order does not arise at this moment.

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Shri Gupte submitted that the applicant learnt that an order of punishment has been ~~imposed~~ ^{M passed against} on him and that is why he has filed this application. He also explains that the final prayer in this application should be deemed to be that this Tribunal should quash the order of punishment.

3. Shri V.G.Rege appearing for the respondents submits that an Inquiry Officer was appointed, ^M ^{he} submitted his report and the Disciplinary Authority has passed an order on 26th July, 1988 imposing the punishment of reduction to the minimum of the time scale for a period of one year on the applicant. Shri Rege complains that the respondents have not been able to have this order served on the applicant, because the applicant has been evading ^M ^{the} service.

4. Shri Rege states that the punishment was sent to the applicant by Registered Post, but it was returned by the Postal authorities as 'not claimed'. An attempt was made by the respondents to serve the order on the applicant personally, but he refused to receive it.

5. In the circumstances set out above, we feel that this application is pre-mature. In fact a more or less similar application filed by the same applicant (in O.A. 540/87) was rejected by another Bench of this Tribunal (of which one of us Mr.Mujumdar was a Member); that application was summarily rejected, again as pre-mature. We feel that there is no justification to depart from the general rule set out under section 20 of the Administrative Tribunals Act that an application shall not ordinarily be admitted unless the applicant has availed of all the departmental remedies. In view of this we reject the application at the stage of admission

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itself. The applicant may pursue the departmental remedy, after receiving the penalty order and if ultimately the decision goes against him he will be at liberty to approach this Tribunal. Parties to bear their own costs.

(M.B.MUJUMDAR)
M(J)

P.Srinivasan
M(A).