

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH, NEW BOMBAY

CAMP : NAGPUR

OA.NO. 825/89

Shri N.P.Nandgave

... Applicant

vs.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (A) Shri P.S.Chaudhuri
Hon'ble Member (J) Shri J.P.Sharma

Appearances:

Mr. K.S.Dhote
Advocate
for the Applicant

Mr. Ramesh Darda
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 29.3.1990

(PER: P.S.Chaudhuri, Member (A)

Applicant by Mr. K.S.Dhote. Respondents by Mr. Ramesh Darda.

2. Mr. Dhote files M.P. No. N(N) 28/90 by which he seeks to effect certain amendments in the application.

3. When this application was originally filed on 18.7.1989, no final orders had yet been passed in the disciplinary proceedings that had been initiated against the applicant. One of the documents which Mr. Dhote seeks to bring on record through M.P.No. (N)28/90 is the final order of penalty dated 8.1.1990 by which, inter alia, the applicant is reverted to the lower grade of Lower Division Clerk from the post of Upper Division Clerk for a period of two years. Mr. Dhote submits that he has no instructions on whether the applicant has since filed a statutory appeal against this order of penalty. Mr. Darda submits that the department has not received any such appeal.

4. We are of the view that the application is pre-matured. If the applicant has not submitted an appeal, he cannot be considered to have exhausted all other remedies as required under Section 20 of the Administrative Tribunals Act, 1985. If the applicant has submitted an appeal, a period of six months prescribed in Section 20 would not yet be over and hence in this eventuality also the application would be pre-matured.

5. In the circumstances, we summarily reject the application under Section 19 (3) of the Administrative Tribunals Act with no order as to costs. It will, however, be open to the applicant to approach this Tribunal later, if so advised, after exhausting all other remedies.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)

P. S. Chaudhuri

(P.S. CHAUDHURI)
MEMBER (A)

Judgement- dt. 29.3.90
Served to parties on
24.4.90.

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Judgement dt. 29.3.90
Served on Applicant
on dt. 7.5.90

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