

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 1002 of 1999.

Dated this Friday, the 17th day of December, 1999.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha, Vice-Chairman.

Hon'ble Shri B. N. Bahadur, Member (A).

1. Rafiq Ahmed Shaikh,  
Lineman in Pune,  
Telecom at Shirpur,  
District Pune. ... Applicant.

(By Advocate Shri V. V. Purwant)

VERSUS

1. Divisional Engineer Telegraph,  
Pune Telecom, C.T.O. Compound,  
Pune - 5.

2. Sub-Divisional Engineer Phones,  
Ghodnadi - 412 210. ... Respondents.

OPEN COURT ORDER

PER : Shri R. G. Vaidyanatha, Vice-Chairman.

Heard the Learned Counsel for the applicant.

2. This is an application filed by the applicant challenging the order of compulsory retirement dated 26.08.1999. It is an order passed by the Disciplinary Authority. Under the C.C.A. Rules, the applicant has a statutory remedy of appeal to the higher authority. According to Section 20 of the Administrative Tribunals Act, a party has to avail statutory remedy before approaching this Tribunal. Hence, we are not inclined to admit this application at this stage, which is pre-mature.

It is seen that the impugned order is dated 26.08.1999. The present O.A. was filed on 02.09.1999 well within the period of appeal. Hence, if the applicant now files an appeal, the Appellate Authority should hear the appeal on merit without going into the question of delay or limitation.

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3. In the result, the application is rejected at the admission stage, subject to the above observations, with liberty to the applicant to exhaust the remedy of statutory appeal and in case any adverse order is passed, he can approach this Tribunal under Section 19 of the Administrative Tribunals Act. No order as to costs.

B. Saladur  
(B.N. BAHADUR)  
MEMBER (A).

R. Vaidyanatha  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.

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