

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 677/99

Date of Decision: 13/8/99

Shri Gorakh Bansode

Applicant.

Shri K.R.Yelwe

Advocate for
Applicant.

Versus

Union of India & 3 Ors.

Respondent(s)

Advocate for
Respondent(s)

CORAM:

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

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

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

abp.

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

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 677 OF 1999.

Dated this Friday, the 13th day of August, 1999.

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

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

Gorakh Bansode,
Ex-Conservancy Safaiwala,
Residing at -
B.I.D. Line, Roberts Road,
Line No. 30, Bhingar,
Ahmednagar.

... **Applicant**

(By Advocate Shri K. R. Yelwe).

VERSUS

1. Union of India through
The Secretary to the
Government of India,
Ministry of Defence,
New Delhi.
2. The Brigadier,
Commander Pune Sub-Area,
Pune.
3. The Administration Commandant
CL-I, Stn. Headquarters Area,
Ahmednagar - 414 110.
4. The Major (Headquarters),
The Mech. Inf. Regt. Centre,
Ahmednagar - 414 110.

Respondents.

(None present).

•••2

I ORDER I I ORAL I

I Per Shri R.G.Vaidyanatha, Vice Chairman I

This is an application challenging the order of removal from service dated 16/3/99. We have heard the learned counsels for applicant regarding admission. Admittedly the applicant has not exhausted the statutory remedies of appeal provided under the rules. Under section-20 of Administrative Tribunals Act, normally the party has to exhaust the statutory remedies and then approach this Tribunal.

2. Therefore, we feel that the application should not be admitted but liberty should be given to file an appeal ~~before the Appellate Authority~~. In case the applicant submits an appeal within 4 weeks ^{date of receipt of this order} ~~from today~~, the Appellate Authority shall consider ^{by} the appeal on merits as per rules without going into the question of limitation.

3. Needless to say if any adverse order is passed, the applicant can approach this Tribunal. All contentions on merits are left open.

4. In the result, the OA is disposed of at the Admission Stage. There will be no orders as to costs.

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A)

R.G.Vaidyanatha

(R.G.VAIDYANATHA)
VICE CHAIRMAN

abp.