

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 318/99

Date of Decision: 6/4/99

Dinanath Shukla

Applicant.

Shri G.K.Masand

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Shri M.I.Sethna alongwith
Shri Vadhavkar

Advocate for
Respondent(s)

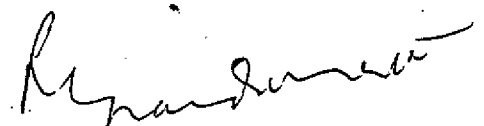
CORAM:

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

Hon'ble Shri. D.S.Baweja, Member(A).

- (1) To be referred to the Reporter or not? *NO*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *NO*

abp.


(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO:318/99.

DATED THE 6TH DAY OF APRIL, 1999.

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

Hon'ble Shri D.S.Baweja, Member(A).

Dinanath Shukla, Working as
Appraiser at New Custom House,
Ballard Estate,
Mumbai - 400 001 and
residing at Flat No.3, Bldg.No.31,
Sher-E-Punjab Colony,
Mahakali Caves Road,
Andheri(East),
Mumbai - 400 093.

... Applicant.

By Advocate Shri G.K.Masand.

v/s.

1. Union of India, through the
Secretary in the Ministry of Finance,
Department of Revenue,
Central Board of Excise & Customs,
North Block, New Delhi.
2. Commissioner of Customs(General),
New Customs House, Vigilance section,
Ballard Estate, Mumbai - 400 001. ... Respondents.

By Advocate

Shri M.I.Sethna, alongwith Shri Vadhavkar

I O R D E R I

[Per Shri R.G.Vaidyanatha, Vice Chairman]

This is an application filed by applicant
challenging the order of Disciplinary Authority dated 31/3/99
imposing ^{penalty of} removal from service with immediate effect. The
learned counsel for applicant presses for interim relief to
stay the operation of impugned order dated 31/3/99.

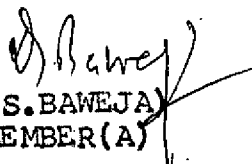
Shri M.I.Sethna alongwith Shri Vadhavkar for respondents
oppose granting of interim relief and admission of application
as the applicant has not exhausted the Statutory Remedies.
The merits of the case cannot be decided at this stage; whether
there was sufficient evidence to sustain the charges cannot be
decided at this stage. Further, under Section-20 of Administrat-
ive Tribunals Act, every Government Official has to exhaust
statutory remedies before approaching the Tribunal.

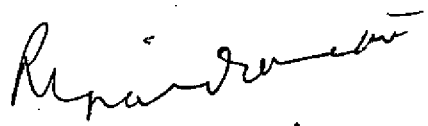
lies

The statutory appeal to the President of India within 45 days of receipt of order (as mentioned in the Impugned order itself. Therefore, the applicant must exhaust his statutory remedy and if he is dissatisfied with the order passed by the Appellate Authority, then he can certainly approach this Tribunal.

All contentions on merits are left open.

2. In the result, we do not find this is a fit case for admission and hence is disposed of at admission stage with liberty to applicant to exhaust the remedy of statutory appeal before Appellate Authority. No costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.