

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION NO. : 790/2000

Date of Decision : 20.6.2003

V. V. Kamat Applicant

Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents

Shri V.S.Masurkar Advocate for the
Respondents

CORAM :-

The Hon'ble Shri Kuldip Singh, Member (I)

The Hon'ble Shri Shanker Prasad Member (A)

- (i) To be referred to the reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library

(KULDIP SINGH)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.790/2000

Friday this the 20th day of June, 2003.

CORAM : Hon'ble Shri Kuldip Singh, Member (J)

Hon'ble Shri Shankar Prasad, Member (A)

Vijay Venkatesh Kamat,
R/at C/o. S.K.Kamat,
C/3, Shantinagar Ground Floor,
Datta Mandir Road, Malad (East),
Mumbai.

...Applicant

By Advocate Shri S.P.Kulkarni

vs.

1. Union of India
through Director of Postal
Services, Mumbai Region,
O/O the Chief Postmaster General,
Maharashtra Circle, G.P.O. Building,
Mumbai.
2. Chief Postmaster General,
O/O the Postmaster General,
Maharashtra Circle, Old G.P.O.
Building, 2nd Floor, Fort,
Mumbai.
3. Superintendent of Post Offices,
Raigad Division,
At P.O. Alibag.

... Respondents

By Advocate Shri V.S.Masurkar

KM

..2/-

O R D E R (ORAL)

{Per : Shri Kuldip Singh, Member (J)}

The applicant in this case impugns the order dated 3.1.2000 by which he was compulsorily retired. The facts in brief are that the applicant while working as Postal Assistant at Post Office was issued a chargesheet dated 1.12.1997 under Rule 14 of CCS (CCA) Rules, 1965, wherein it was alleged that the applicant while working as Postal Assistant, Andheri H.O. was transferred to Alibag Post Office and he was relieved from Andheri on 15.6.1996 but he failed to join at Alibag Post office and remained absent w.e.f. 24.3.1997 unauthorisedly without leave and without prior permission. After the said enquiry was conducted, the applicant was found guilty and penalty of compulsory retirement was imposed upon the applicant.

2. In order to assail the impugned orders, the applicant has taken various grounds. However, the applicant in Para 5.3 has also stated that he has not filed any statutory appeal as the punishment order is illegal and non-filing of the appeal is not fatal.
3. The OA. is opposed by the respondents. We have heard the learned counsel for the parties and gone through the record.

Ku

..3/-

4. On going through the provisions of Administrative Tribunals Act and the Rules framed therein, we find that the applicant before approaching this Tribunal has to exhaust all the remedies available to him, that is why in the proforma as provided in the application specifically Column No.6 has been incorporated regarding the details of remedies exhausted and in this case, since the applicant himself admits that statutory remedy is available to him but he has not availed the same. Thus, we find that this OA. is premature and is accordingly dismissed. However the applicant is at liberty to prefer appeal in accordance with law before the appellate authority and if any grievance survives thereafter, the applicant may approach this Tribunal as per law.

Shankar Prasad
(SHANKAR PRASAD)

MEMBER (A)

Kuldip Singh
(KULDIP SINGH)

MEMBER (J)

mrj.