

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 93 OF 2001

MONDAY, THE 26TH DAY OF FEBRUARY, 2001

SHRI JUSTICE ASHOK AGARWAL.
SMT. SHANTA SHASTRY.

... CHAIRMAN
... MEMBER (A)

Shri Jayant Jagannath Shirsat,
93/94, B.D. Chawl,
Worli, Mumbai-400 018.

... Applicant

By Advocate Shri V.D. Raibole

Vs.


1. Board of Apprenticeship Traaining,
Ministry of Humana Resource Div.,
Dept. of E Dvn., Govt. of India,
ATI CAMPUS, V.N. Purav Marg,
Sion, Mumbai-400 022.
2. Director,
Ministry of Human Resource Div.,
Dept. of E Dvn.,
New Administrative Building,
2nd Floor, ATI Campus,
Sion, Mumbai-400 022.
3. Office Superintendent,
Ministry of Human Resource Div.,
Dept. of E Dvn.,
New Administrative Building,
2nd Floor, ATI Campus,
Sion, Mumbai-400 022.
4. Administrative-cum-Accounts Officer,
Ministry of Human Resource Div.,
Dept. of E Dvn.,
New Administrative Building,
2nd Floor, ATI Campus,
Sion, Mumbai-400 022.

... Respondents

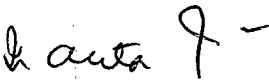
O R D E R (ORAL)


Shri Justice Ashok Agarwal.

.. Chairman

 Office order of 3rd November, 2000 removing the applicant from service on the ground of his unauthorized absence is impugned by the applicant in the present OA. By placing

reliance of several office orders, the applicant has shown that leave was always standing at his credit. Hence, he could not have been removed from service on ground of unauthorized absence. He has also, by placing reliance on his representation at Annexure-J, ~~has~~ pointed out the reasons which had compelled him to remain absent from duty. Applicant, it appears, has instituted the present OA without exhausting the remedy of an appeal. In the circumstances, we find that the present OA is ^{filed} without availing alternative remedy, ~~before approaching this Tribunal~~. Present OA, in the circumstances, is dismissed by giving liberty to the applicant to avail the alternative remedy of appeal. In case, the appeal is instituted within a period of 2 weeks from today, the same should be entertained without raising the objection of limitation and ^{an appropriate} ~~proper~~ order be passed thereon by the respondents in accordance with law. No order as costs.


(SHANTA SHASTRY)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

Gaja