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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Stamp No. 377/91 (6A 525/91)

Shri Subhash Nathuji Jibhkate  
P.O. & Tech. Tumsar, Distt.  
Bhandra.

... Applicant.

V/s.

1. The Union of India through its  
Secretary, Department of Posts  
Min. of Communication,  
New Delhi- 110001.
2. The Director Postal Services  
O/O Postmaster General,  
Maharashtra Circle, Nagpur-440010.
3. The Senior Superintendent of  
Post Officers, Nagpur MFLDn.  
Nagpur - 40012.

... Respondents.

CORAM : ~~Hon'ble~~ Shri P.S. Chaudhuri Member (A)  
Hon'ble Shri T.C. Reddy, Member (J)

Appearance

Mr. Walthare, learned counsel  
for the applicant.

ORAL JUDGEMENT

Dated: 18.7.1991.

{ Per Shri P.S. Chaudhuri, Member (A) }

1. This application under Section 19 of the Administrative Tribunals Act 1985 was filed on 18.7.1991. In it the applicant who was working as Postal Assistant is challenging the order dated 27.6.1991 by which he is removed from service.

2. We have heard Mr. Walthare, learned counsel for the applicant. It is not disputed that even though the applicant has a statutory right of appeal, this remedy has not yet been availed by him. Mr. Walthare pressed two grounds in support of his contention that

this was of a fit case for the exercise of the discretion vested in the Tribunal under Section 20 of the Administrative Tribunals Act, 1985. The first was that the applicant *had* pressing family commitments as detailed in para 4 (ii) of the application. We do not see how this can constitute good and sufficient reasons for a departure from the requirements of Section 20. The applicant's second ground was that the procedure prescribed in the rules had not been followed. After perusing the impugned order of removal and considering the final order that we propose passing, we do not consider it appropriate to comments on the impugned order at this stage.

3. In this view of the matter we are of the opinion that this application is premature.

4. The application is accordingly summarily rejected under Section 19(3) of the Administrative Tribunal's Act 1985. If the applicant continues to remain aggrieved even after exhausting the departmental remedies available to him, he is at liberty to approach the Tribunal afresh.

T. C. REDDY  
MEMBER (J)

P. S. CHAUDHURI  
MEMBER (A)