

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 24 NOV 1994

APPLICATION NO: 1352 of 1994

APPLICANTS:- K. Rajathekhar

V/S.

RESPONDENTS:- Controller, Appointing & Disciplinary Authority,
ISRO Centre. B'lore & another.

To:


1. Sn. M. Aswathkhanarayana Reddy
Advocate,
First floor, 'Swarthik Complex,
Opp. to Sheshadripuram Police Station,
S. C. Road, Bangalore - 560020
2. Sn. M. V. Rao,
Adl. C. G. S. C.,
High Court Bldg,
Bangalore - 1

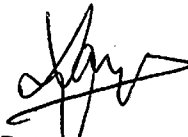
Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~/ passed by this Tribunal in the above
mentioned application(s) on 22nd November 1994

Issued on

25/11/94 


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.1352/94

TUESDAY THE TWENTY SECOND DAY OF NOVEMBER, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER (A)

Shri K. Rajashekhar,
aged about 28 years,
Technical Assistant 'B',
Staff No.3029,
Indian Space Research Organisation,
(ISRO), Satellite Centre,
Airport Road,
Bangalore - 17

Applicant

(By Advocate Shri M.A.Reddy)

v.

1. Controller,
Appointing & Disciplinary Authority,
ISRO Satellite Centre,
Airport Road,
Vimanapura Post,
Bangalore - 17

2. The Director,
Department of Social Welfare,
M.S. Buildings, 5th Floor,
Dr. Ambedkar Road,
Bangalore - 1

Respondents

(By learned Standing Counsel)
Shri M.V. Rao

ORDER

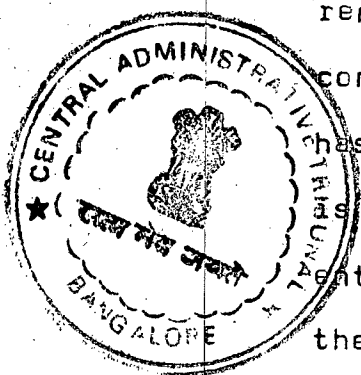
MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Heard learned counsel for the applicant
and the learned Standing Counsel appearing on
behalf of the respondents who submits that the
applicant has a right of appeal from the order
of the Disciplinary Authority and the applicant



having not yet exhausted the remedy of statutory appeal therefore this application should be treated as premature and dismissed as such.

Shri Ashwathanarayana Reddy, learned counsel for the applicant does not deny that his client has not preferred an appeal but says that the order imposing punishment is afflicted by disobedience to principle of natural justice and, therefore, non-exhaustion of the statutory remedy will not stand in the way of hearing of this case. The non-observance, we are told, is non-furnishing of a copy of the report made before imposing punishment of removal from service. We find from the records some material indicating the service of the enquiry officer's report on the applicant and subsequently it appears he had been reminded about the same. Be that as it may, we think it would be in the interest of the applicant himself to avail the remedy of statutory appeal and thereafter, if necessary, come back to us. We are told that remedy of appeal is barred by time but taking into consideration the fact that the instant application has been pending before us for quite sometime, it is appropriate for the Appellate Authority to entertain the appeal even if it is delayed provided the applicant were to file such an appeal within 30 days from the date of this order. This application stands disposed of finally as aforesaid with no order as to costs.



TRUE COPY

[Signature]
Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd/-

MEMBER (A)

Sd/-

VICE CHAIRMAN