

(U6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1311/94.

Dt. of Decision : 25.10.94.

R. Sanyasi Appadu

.. Applicant.

Vs

1. The Flag Officer,
Commanding-in-Chief,
Eastern Naval Command,
Visakhapatnam-14.
2. The Chief Staff Officer (P&A)
Eastern Naval Command,
Naval Base, Visakhapatnam-14.
3. The General Manager,
Naval Armament Depot
Visakhapatnam-9.

.. Respondents.

Counsel for the Applicant : Mr. P. Bhaskar

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

EXORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A. 1311/94.

Dt. of Decision : 25-10-94.

ORDER

¶ As per Hon'ble Shri A.V. Haridasan, Member (Judl.) ¶

This application is directed against the order of penalty of reduction of pay to three lower stages imposed on the applicant by the 2nd respondent ^{vide his} order dt. 13.5.1994. It appears, against this order, the applicant had preferred an appeal to the appellate authority on 16.6.94 and 17.6.94. It is ^{pending} found that the appeal has not been disposed of and as the punishment ^{has come in} is coming to operation, that the applicant has filed this application. Section 20 of the Administrative Tribunals Act provides that the Tribunal shall not ordinarily admit an application unless the aggrieved person has exhausted the statutory remedies available to him under the service rules. It is also provided in the said provision, that if an appeal has been made to the appellate authority against the order and if the appellate authority has not disposed of the appeal within a period of 6 months, after expiry of the said period of 6 months, the aggrieved person may file an application. In this case, the applicant has rushed to this Tribunal before the expiry of a period of 6 months from the date on which he filed a statutory appeal against the penalty order. We find no extra-ordinary circumstances in this case which warrant admission of this application. The applicant has not waited for a period of 6 months as

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prescribed in the provisions 20 of the Administrative Tribunals Act, before filing of this application. For the above said reason the application is premature and the same is rejected under section 19(3) of the Admn. Tribunals Act. However, we expect the appropriate appellate authority to dispose of the applicant's appeal in accordance with law without further delay.



(R. RANGARAJAN)
MEMBER (ADMN.)



(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : The 25th October 1994.
Dictated in Open Court.


DEPUTY REGISTRAR(J)

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Copy to:

1. The Flag Officer, Commanding in Chief, Eastern Naval Command, Visakhapatnam.
2. The Chief Staff Officer, (P&A), Eastern Naval Command, Naval Base, Visakhapatnam.
3. The General Manager, Naval Armament Depot, Visakhapatnam.
4. One copy to Mr. P. Bhasker, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR

3rd page
on 7/11/94

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

R.Rangarajan.

THE HON'BLE MR.A.B.GORTHY : MEMBER(A).

Dated: 25/10/94

~~ORDER/JUDGMENT.~~

~~M.A./R.P/C.P/No.~~

~~in~~

O.A.NO. 1311/94

~~T.A.NO.~~

~~(W.P.NO.)~~

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

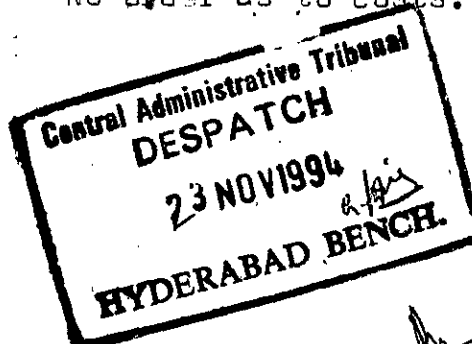
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

No spare copy



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7/11/94