

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 20.6.95.

OA 107/93

D.K. Gaur s/o Shri R.K. Gaur, aged 44 years, r/o Sen Colony, near Railway Station, Jaipur.

... Applicant.

Versus

1. Union of India through the Secretary, Department of Geological Survey of India, Govt. of India, New Delhi.
2. Director General, Geological Survey of India, Head Office, Calcutta.
3. Dy. Director General, Geological Survey of India, Western Region, Jaipur.

... Respondents.

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... NONE.

For the Respondents ... SHRI U.D. SHARMA.

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.

Applicant D.K. Gaur has preferred this application u/s 19 of the Administrative Tribunals Act, 1985, praying therein for quashing the charge-sheet dated 24.7.89, the enquiry report dated 13.8.92 as also the order dated 25.1.93, by which the penalty of compulsory retirement with immediate effect was imposed upon the applicant. The applicant has also sought a direction to the respondents to reinstate him in the post which he was holding, with all consequential benefits.

2. None is present for the applicant in spite of the fact that the case was listed for hearing today. We have heard Mr. U.D. Sharma, counsel for the respondents, and have perused the records.

(9)

- 2 -

3. The applicant has stated in his application that he has not filed any appeal before the appellate authority as the order dated 25.1.93 has been made operative with immediate effect and, therefore, the appeal u/r 23 of the CCS (CCA) Rules, 1965 cannot be treated to be an alternative remedy in order to bar this application. However, the respondents have stated in their reply that the applicant has filed a statutory appeal on 10.3.93 i.e. after the presentation of the OA against the order of compulsory retirement dated 25.1.93 vide Annexure F-1 dated 10.3.93, and the same is still pending consideration before the competent authority.

4. In the circumstances, we direct the respondent No.2, who is stated to be the appellate authority, to decide the appeal of the applicant through a speaking order meeting all the points raised by the applicant in the memo of appeal within a period of four months from the date of receipt of a copy of this order. While deciding the appeal the appellate authority shall have regard to the provisions of Rule 27(2) of the CCS (CCA) Rules, 1965.

5. The OA stands disposed of accordingly. No costs.

O.P. Sharma
Member (A)

Gopal Krishna
(Gopal Krishna)
Vice Chairman.