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(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.376/93

Dt. of order: 10.11.93

Kanji

: Applicant

Vs.

Union of India & Ors. : Respondents

Mr.B.M.Singh

: Brief Holder of Mr.J.K.Kaushik
counsel for applicant

None present for the respondents.

CORAM:

Hon'ble Mr.Justice D.L.Mehta, Vice Chairman

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR JUSTICE D.L.MEHTA, VICE CHAIRMAN.

The learned counsel for the applicant prays ^{for} adjournment on the ground that Mr.J.K.Kaushik, is the counsel in this case and he is not well and ^{has} not turned up today. Earlier at the time of mention Mr.H.C. Ganeshia, Advocate, made mention in another case and sought adjournment on behalf of Mr.J.K.Kaushik on some other ground. So the prayer for adjournment is declined.

2. The services of the applicant was terminated vide order dated 28.8.90 (Annx.A-2). This is an enquiry report and in this enquiry report it has been specifically mentioned that the applicant was examined and he ~~was~~ answered that at the time of his joining/ⁱⁿ service he submitted ^{an} other card and this is not the card. Thus from the enquiry report it is proved that the applicant has also participated in the enquiry.

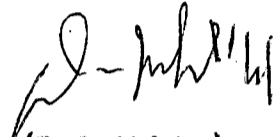
3. After the receipt of the enquiry report the Asstt. Engineer, terminated the services of the applicant by way of a penalty. No appeal was preferred against the order of termination/order of penalty by the applicant and ^{he} filed the O.A. directly before the Tribunal.

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4. We have perused the record and we are not satisfied the case made out by the applicant for admission. The applicant has also not availed the alternative remedy to file the appeal before the Appellate Authority against the order of termination of services which was imposed as a penalty. In such circumstances we are not inclined to admit the O.A. and the same is dismissed. Parties to bear their own costs.



(O.P. Sharma)
Member (A)



(D.L. Mehta)
Vice Chairman.