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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 16.07.1999

OA No.347/99

Mohammed Saleem Khan S/o Shri Shafi Mohammed aged about 42 years, R/o 3
(Bha) 19, Vizyan Nagar, Kota, Rajasthan

.. Applicant

Versus

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue, Govt. of India, New Delhi.
2. Shri R.Battacharji, Commissioner, Narcotics, Kota.
3. Dy. Commissioner Narcotics, Kota.
4. Superintendent, Department of Preventive and Intelligence Cell, Guwahati (Assam)

.. Respondents

Mr. P.P.Mathur, counsel for the applicant.

...

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

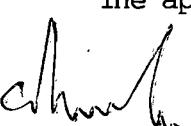
Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Mohammed Saleem Khan, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the order Ann.Al dated 5.7.99 whereby he was placed under suspension and it was directed that during the period the suspension order remains in force, his headquarters should be the Office of the Superintendent, Prevention and Intelligence Cell, Guwahati.

2. We have heard the learned counsel for the applicant and have perused the averments made by him.

3. It is an admitted fact that the applicant has approached this Tribunal without preferring any appeal against the order of suspension as provided in Rule 23(i) of the CCS(CCA) Rules, 1965. The contention of the learned counsel for the applicant is that since the impugned order has been passed by the appellate authority, there should not be any insistence on the exhaustion of the statutory remedy provided in the Rules referred to above. If, at all, the impugned order has been passed by the appellate authority, the applicant may prefer an appeal to the authority higher than the Narcotics Commissioner. We find the present application to be premature and not maintainable, since the applicant has failed to exhaust the statutory remedy of appeal before presenting this application.

4. The application is, therefore, dismissed as being premature.


(N.P.NAWANI)
Adm. Member


(GOPAL KRISHNA)
Vice Chairman