

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 623 of 2003

Jabalpur, this the 18th day of November, 2003

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Shri Devendra Singh, Adopted Son
of Smt. Tapeswari Devi, Aged about
39 years, Occupation - Service,
Address : Chief Executive Officer,
Zila Panchayat, Neemuch, Madhya Pradesh. ... Applicant

(By Advocate - Shri A. Assudani and Shri Gopi Chourasia)

V e r s u s

1. The State of Chhatisgarh,
Through : Addl. Chief Secretary,
Forest Department, Mantralaya,
D.K.S. Bhawan, Raipur.
2. The State of Madhya Pradesh,
Through : Principal Secretary,
Forest Department, Mantralaya,
Vallabh Bhawan, Bhopal.
3. Union of India,
Through : The Secretary,
Ministry of Environment & Forest
"Paryavaran Bhawan",
C.G.O. Complex, Lodhi Road,
New Delhi. ... Respondents

(By Advocate - Shri S.K. Rao for respondent No. 1,
None for other respondents)

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

Heard.

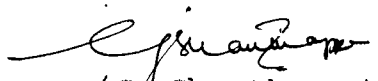
The relief of the applicant in the Original Application is that to quash the impugned order at Annexure A-7 i.e. the order of suspension dated 11.09.2003.


2. The respondent No. 1 i.e. the State of Chhattisgarh has filed the reply contending that the application is not maintainable, since the applicant has not exhausted the departmental remedies available to him under the All India Services (Discipline and Appeal) Rules, 1969. Admittedly the applicant did not file any appeal as on the date of the Original Application.

According to Annexure P-9 filed alongwith the rejoinder the applicant has submitted his appeal to the Union of India on 15.09.2003 (Annexure P-9). Since the Union of India did not take any action on the appeal, he had submitted a reminder ^{Since} which is at Annexure P-10. ~~the~~ ^{the} said appeal is pending before the respondent No. 3 the applicant has not exhausted all the remedies available to him before filing the Original Application.

3. The contention of the respondents is taken on record.

4. Admittedly the applicant has not filed any appeal challenging the order of suspension which is impugned in the Original Application as on the date of the Original Application. The applicant has filed the appeal before the Appellate Authority as per Annexure P-9 on 15.09.2003. Hence the appellate authority i.e. the respondent No. 3 is directed to consider the appeal of the applicant and pass an appropriate order within a period of one month from the date of receipt of copy of this order. The applicant has got liberty to represent the appellate authority for interim order of stay, if he so wishes. Original Application stands disposed of accordingly. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

*Filed
27-11-03*

*Copy Chourasia, Adv.
B. daniva / S.K. Rao, Adv.*

*Jivastawa
25/11/03*