

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

25.08.2009

OA No. 371/2009

Smt. Shashi Chaudhary, Counsel for applicant.


Heard learned counsel for the applicant.

The grievance of the applicant in this case is regarding suspension order dated 14/15.07.2009 (Annexure A/1). It may be stated that the order of suspension is appealable u/s 23(1) of the CCS (CCA) Rules, 1965. Thus in view of the law laid down by the Constitution Bench of the Apex Court in the case of S.S. Rathore vs. State of M.P. [AIR 1990 SC 10], the present OA cannot be entertained till the exhaustion of the statutory remedy available under the Rules, which is a condition precedent to maintaining claim under the Administrative Tribunal's Act, 1985.

In view of what has been stated above, the present OA cannot be entertained. It will be open for the applicant to file statutory appeal before the appropriate authority and in any case such appeal is filed within a period of 15 days, in that eventuality, the appropriate authority shall entertain and dispose of the same in accordance with rules.

With these observations, the OA is disposed of accordingly at admission stage.


**(B.L. KHATRI)
MEMBER (A)**


**(M.L. CHAUHAN)
MEMBER (J)**

AHQ

copy given vide

No 769

26/8/09

[Signature]