

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.1653/2013

New Delhi this the 4th March, 2016

HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR, MEMBER (J)
HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

Sukhdev Singh
Driver in DTC
Bedge No.26086
Token No.68089
Aged about 36 years
S/o Late Shri Arjun Singh
R/o Pana: 11-B, VPO: Ismaila,
Tehsil: Sampla,
District: Rohtak, Haryana. ...Applicant

By Advocate: Shri Anil Singal.

Versus

1. Chairman-cum-MD,
Delhi Transport Corporation,
DTC Hqrs., I.P. Estate,
New Delhi-2.
2. Depot Manager,
Millennium Park Depot-III,
DTC, Sarai Kala Khan, New Delhi. ...Respondents

By Advocate: Shri Ajesh Luthra.

ORDER

Justice Mehinder Singh Sullar, Member (J)

The challenge in this Original Application (for short OA) filed by the applicant is to the impugned order dated 06.03.2013 (Annexure A-2) by means of which his services were terminated with effect from 07.03.2013 under clause 9 (a) of the "DRTA conditions of appointment and services regulations, 1952", by the competent authority.

2. The arguments in this OA were heard on 01.03.2016 and judgment was reserved.

3. During the course of dictation, it revealed that the applicant has not availed his alternative right of appeal and straightaway directly jumped to file this OA. Such application cannot legally (directly) be admitted without exhausting all the alternative remedies, by the applicant in view of Section 20 of the Administrative Tribunals Act, 1985.

4. When confronted with this situation, then learned counsel for the applicant intends to withdraw the main OA to enable the applicant to file his appeal against the

impugned termination order dated 06.03.2013 before the Appellate Authority at the first instance.

5. Therefore, the main OA is directed to be dismissed as withdrawn with the aforesaid liberty, as prayed for.

6. Needless to mention that in case applicant files the appeal/revision, as the case may be, the appropriate authority would sympathetically consider the question of limitation. No costs.

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(K.N. SHRIVASTAVA)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Rakesh