

**Central Administrative Tribunal
Principal Bench**

OA No.1783/2016

New Delhi, this the 24th day of May, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shriastava, Member (A)**

Subroto Das
Aged 48 years
S/o Shri Rabindra Nath Das
R/o M-505,
Habitat Co-Operative Group Housing Society,
B-19, Vasundhra Enclave,
Delhi 110 096.

.... Applicant.

(By Advocates : Shri Prateek Tushar Mohanty with Ms. Tanu Bhardwaj
and Ms. Neha Singh)

Versus

1. Pension Fund Regulatory and Development Authority
Through the Chairman,
1st Floor, Chatrapati Shivaji Bhawan,
B 14/1, Qutab Institutional Area,
New Delhi 110 016.

2. Shri B. S. Bhandari
Whole-Time Member and Inquiring Authority
Pension Fund Regulatory and Development Authority
1st Floor, Chatrapati Shivaji Bhawan,
B 14/1, Qutab Institutional Area,
New Delhi 110 016.

..... Respondents.

(By Advocate : Shri M. K. Bhardwaj)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

The applicant in this OA has challenged order dated 02.05.2016 whereby he has been removed from service as Chief General Manager, PFRDA on conclusion of disciplinary proceedings.

2. Shri M. K. Bhardwaj, learned counsel appearing for PFRDA has raised an objection about the maintainability of the OA. On the last date of hearing, i.e., 19.05.2016, learned counsel for the applicant had referred to some observations made by the Hon'ble High Court of Delhi in

writ petition filed by him which was disposed of. He was directed to produce copy of the order passed by Hon'ble High Court. Today, he has placed before us order dated 17.05.2016 passed in W.P. (C) No.4374/2016.

3. We have perused the order.

4. In the writ petition filed by the applicant before Hon'ble High Court of Delhi, he had pleaded that he has challenged the order of removal before the Tribunal, and accordingly the High Court observed that he is at liberty to raise all objections including bias before the Tribunal in the OA. These observations, however, cannot be construed to mean that the OA has to be entertained notwithstanding the fact whether or not the applicant has exhausted the departmental remedy available to him.

5. It is not in dispute that the order impugned in this OA is appealable before the competent authority.

6. In this view of the matter, learned counsel for the applicant seeks to withdraw this Application with liberty to seek the remedy as available to him under law. He submits that he may be allowed to file appeal before the competent authority. Prayer allowed. In the event, such appeal is preferred within two weeks, the appellate authority shall examine, consider and dispose of the same within a period of three months from the date of receipt of the said appeal.

7. With the above order, this OA stands disposed of.

(K. N. Shrivastava)
Member (A)

(Permod Kohli)
Chairman

/pj/