

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

**OA 3537/2015**

**the 23<sup>rd</sup> day of September, 2015.**

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman  
Hon'ble Mr. P.K.Basu, Member (A)**

Shri Vijay  
Age-21 years  
LDC  
Village-Tikan Kalan  
PO Dhani Phogal  
Tehsil – Charkhi Dadri, Bhiwani  
Haryana – 127306  
(By Advocate: Shri Sachin Chauhan) .... Applicant

**VERSUS**

1. Union of India  
Through its Secretary  
Ministry of Home Affairs  
Govt. of India  
North Block  
New Delhi – 1
2. The Director  
Intelligence Bureau  
MHA  
North Block  
Central Secretariat  
New Delhi – 110 001
3. The Assistant Director/E  
Subsidiary Intelligence Bureau  
Ministry of Home Affairs  
Govt. of India  
Bhubaneswar .... Respondents

**Order (Oral)**

**By Hon'ble Mr.Justice Syed Rafat Alam, Chairman**

The applicant is aggrieved by order of the appointing authority i.e respondent no.3 dated 02.07.2015 terminating his services under sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965. Admittedly, the applicant has already preferred an appeal before the

respondent no.2 on 14.07.2015 against the impugned order, therefore, this application is not maintainable as the applicant has already availed of the remedy.

2. Learned counsel for the applicant, however, submitted that the order of the termination was passed on 02.07.2015 and appeal was preferred on 14.07.2015 and more than two months have passed but the same has not been considered.

3. He further placed reliance on the judgment of the Hon'ble Delhi High Court in **S.S.Mota Singh, Jr. Model School vs. Tanjeet Kaur & Anr.** 221(2015) Delhi Law Times 595. Since the applicant has availed of the statutory remedy, therefore, the application cannot be maintainable at this stage, and is accordingly dismissed. However, we hope and trust that the appellate authority i.e. respondent no.2 shall dispose of the representation of the applicant preferably within a period of two months from the date of receipt of a copy of this order. It would be open to the applicant to approach the Tribunal again if the order passed by the respondents is not favourable to the applicant.

(P.K.Basu)  
Member (A)

(Syed Rafat Alam)  
Chairman

uma