

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA 3537/2015

the 23rd 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

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