

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA 3659/2015

the 5th day of October, 2015.

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

Shri Parveen
Age – 23 years
S/o Shri Wazir Singh
Village-Lowa Khurd
PO-Nuna Majra
Tehsil-Bahadurgarh
Jhajjar
Haryana Applicant

(By Advocate: Shri Sachin Chauhan)

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
O/o Joint Deputy Director
Indo-Tibetan Border Force
C/o 56 APO, Leh Respondents

(By Advocate: Shri Gyanender Singh)

Order (Oral)

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

In the instant application the applicant is aggrieved by order of the appointing authority i.e respondent no.3 dated 06.07.2015 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.3 on 21.07.2015 against the impugned order, therefore, this application is not maintainable as the applicant has already availed of the remedy.

2. We have heard learned counsel for the applicant and learned standing counsel, who appeared on behalf of all the respondents.
3. During the course of arguments it transpired that the applicant's appeal against the aforesaid order is pending before the respondent no.3 since 21.07.2015. The six months' period has not yet expired, therefore, this application is pre-mature and does not lie at this stage.
4. The learned counsel for the applicant fairly submitted that respondent no.3 may be directed to dispose of the appeal within a fixed time. On the other hand, learned standing counsel appearing on behalf of respondents submitted that endeavor shall be taken to dispose of the appeal of the applicant.

5. In view of the above, we dispose of this application with the direction to respondent no.3 to decide the appeal 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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