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## CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH KOLKATA

O.A.No.350/01301/2015

Date of Order : 07-09-2015

Present : Hon'ble Mr Justice G. Rajasuria, Judicial Member  
Hon'ble Ms Jaya Das Gupta, Administrative Member

Sri Uma Sankar Prasad Jaiswara

.....Applicants

-Versus-

Union of India & Ors. (Defence)

.....Respondents

For the applicants : Mr A. Bhattacharyya, Counsel  
For the respondents: None for the respondents

### ORDER (ORAL)

JUSTICE G. RAJASURIA, JM,

Heard learned counsel for the applicant. This O.A has been filed seeking the following reliefs :

- a) A direction upon the respondents more particularly, the respondent No.5 to rescind, withdraw and/or cancel the purported impugned order dated 16.7.2015 in connection with charge Memorandum No.1142/14/UPJ/CE/DISC dated 21.8.14 forthwith and permit the petitioner to resume his duty with immediate effect.
- b) A further direction upon the respondent No.5 to show cause as to why the impugned order dated 16.7.2015 should not be set aside and /or quashed and after hearing cause and/or insufficient cause to set aside the impugned order and to permit the applicant to resume his duty without any delay;
- c) Consequential order directing the respondents more particularly the respondent No.5 to treat the application as representation of the applicant consider and dispose of the same by a reasoned order in accordance with law after giving the applicant a fair and reasonable opportunity of hearing within a certain time.

2. Learned counsel for the applicant would submit that his client was proceeded against Rule 14 of the CCS (CCA) Rules and ultimately he was



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compulsorily retired on 16.7.2015. According to the learned counsel for the applicant the copy of it was served on 24.7.2015, whereupon this O.A was filed.

3. When this Bench raised the query as to whether statutory appeal under CCS(CCA) Rules 1965 was filed the learned counsel for the applicant would reply that no such appeal was filed. As per Section 20 of the Central Administrative Tribunals Ac, the applicant has not yet exhausted the statutory remedy available to him. As such the following direction is given :

Applicant is given liberty to file an appeal against the said punishment order to the appellate authority within 15 days from the date of receipt of a copy of this order. The authority shall process the matter and dispose it as per rules within one month thereafter. We make it clear that the matter is not decided on merits.

O.A is disposed of. No costs.

( JAYA DAS GUPTA )  
ADMINISTRATIVE MEMBER

( G. RAJASURIA )  
JUDICIAL MEMBER

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