

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 332/00357 of 2019

Reserved on 11.07.2019

Pronounced on 15th July, 2019

Hon'ble Ms. Jasmine Ahmed, Member-J
Hon'ble Mr. Devendra Chaudhry, Member-A

Capt. Pramod Kumar Bajaj, aged about 59 years, son of Late Sri P.D. Bajaj, resident of 222, M.G. Road, Lucknow.

..... Applicant

By Advocate : Applicant in person

Versus.

Union of India through the Chairman, CBDT, Department of Revenue ,
Government of India, North Block, New Delhi- 110001.

..... Respondent

By Advocate : Sri Aman Malik and Sri S. Lal

ORDER

By Ms. Jasmine Ahmed, Member-J

By means of this O.A., the applicant has assailed the order dated 01.07.2019 issued by the Under Secretary to the Government of India, Ministry of Finance, Department of Revenue (Central Board of Direct Taxes), New Delhi by means of which the applicant has been placed under suspension under Rule-10 (1) CCS (CCA) Rules, 1965.

2. The applicant has assailed the suspension order on the ground that he has been issued a charge-sheet on 17.06.2019 leveling three articles of charges requiring him to submit his reply within a period of 15 days, and before completion of 15 days from the date of issuance of the charge-sheet dated 17.06.2019, applicant has been placed under suspension vide order date 01.07.2019 with the result the suspension order is faulty having been passed in a hurried manner without waiting the reply of the applicant against the charge-sheet within the time stipulated therein and he took other pleas in support of his claim.

3. The learned counsel for the respondents has raised preliminary objection by stating that the applicant has rushed to this Tribunal against the suspension order without filing an appeal before the Appellate Authority as prescribed under Rule- 23 of CCS (CCA) Rules, 1965 and as such this OA is not maintainable before this Tribunal at this stage. In support of his arguments, he placed reliance on the decision of Hon'ble High Court, Andhra Pradesh in the case of **The Deputy General of Police, Kurnool Range and Ors. V. R.S. Madhubabu reported in 2009 (4) ALD 87.**

4. We have heard the applicant, who is present in person, and also the learned counsel for the respondents and perused the pleadings available on record.

5. Admittedly, the applicant has been placed under suspension vide order dated 01.07.2019 and he, without exhausting the departmental remedy available to him under Rule- 23 of CCS (CCA) Rules, 1965, rushed to this Tribunal by filing the instant O.A. Rule-23 of CCS (CCA) Rules, 1965 clearly stipulates that against the order of suspension under Rule-10, an appeal lies before the appellate authority, which the applicant has not availed. Section 20 of the Administrative Tribunals Act, 1985 also clearly provides that a Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. Since, there is a specific Rule namely Rule 23 in the CCS (CCA) Rules for filing an appeal against the suspension order passed under Rule 10 of the aforesaid Rules, we are of the considered view that this O.A. be disposed of at this stage without calling any counter reply to the respondents, to direct the applicant to prefer an appeal before the appellate authority within a period of 07 days from today. Given the fact that the applicant is due to retire soon, hence in the interest of justice, the appellate authority, on receipt of the appeal of the applicant, shall consider and decide it in accordance with law within a period of four weeks thereafter by passing a reasoned and speaking order under intimation to the applicant.

6. In view of the above observations, the OA stands disposed of. There shall be no order as to costs.

(Devendra Chaudhry)
Member-A

(Ms. Jasmine Ahmed)
Member-J

Girish/-