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Central Administrative Tribunal
Principal Bench

OA No. 2450/2003

New Delhi, this the 10th day of October, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Sarveshwar Jha, Member (A)

Mrs. Madhu Sharma
W/o Sh. R.K. Sharma
M-38, New Mahavir Nagar
New Delhi.

...Applicant

(By Advocate : Sh. B.B. Rawal with
Sh. M.K. Bhardwaj)

v e r s u s

1. Commissioner, K.V.S.
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi.

2. Asstt. Commissioner
KVS, JNU Campus (Delhi Region)
New Mehrauli Road
New Delhi - 67.

...Respondents

(By Advocate Sh. S. Rajappa)

O R D E R (ORAL)

Hon'ble Mr. Justice V.S. Aggarwal, Chairman:

By virtue of the present application, the applicant seeks quashing of the orders dated 15.9.2003 purported to have been passed by the Assistant Commissioner i.e. respondent No.2. By virtue of the same, the services of the applicant have been terminated. The grievance of the applicant is that the order has been passed illegally in violation of not only of the directions of this Tribunal, but also even the Delhi High Court.

2. At this stage, we are not venturing into the said controversy. Our attention has been drawn to the fact that an appeal against the said order is maintainable and, therefore, we should not entertain the present application.



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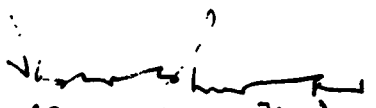
3. Learned counsel for the applicant contends that since the order is in disobedience of the directions of this Tribunal and is totally illegal, we should entertain the present application.

4. So far as disobedience of the directions of this Tribunal is concerned, indeed the applicant would be at liberty to take appropriate remedy, if so advised, by filing an appropriate application which can be considered on its merits, but when appeal against the impugned order is admittedly available, the applicant must exhaust the said remedy and thereafter, if so advised, in case it is necessary, file application with this Tribunal.

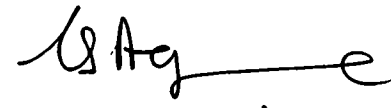
5. Therefore, we, for the present, dispose of the present application directing :-

(a) as the application is pre-mature, the applicant may prefer an appeal in the first instance;

(b) he may take necessary steps, if so advised, in case there is disobedience of any directions of the Tribunal.


(Sarveshwar Jha)
Member (A)

/vikas/


(V.S. Aggarwal)
Chairman