

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2663 OF 2003

New Delhi, this the 4th day of November, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Gurmeet Singh,
S/o Late Shri Prakash Singh,
House No.WZ 162/1, Street No.9,
Shiv Nagar,
Ner Delhi-110058

.....Applicant
(By Advocate : Shri K.K.Patel)

Versus

1. Govt. of NCT of Delhi
through
Lt. Governor Delhi,
Raj Niwas, Raj Niwas Marg,
Delhi-6
2. Chief Secretary,
Govt. of NCT of Delhi,
4th Level, Delhi Secretariat,
I.P Estate,
New Delhi-110002
3. Director,
Directorate of Vigilance,
Govt. of NCT of Delhi,
4th Level, Delhi Secretariat,
I.P.Estate,
New Delhi-110002
4. Chief Vigilance ~~~~~Commissioner,
Govt. of India,
Satarkata Bhawan,
INA,
New Delhi.
5. Director,
Central Bureau of Investigation,
Govt. of India,
CGO Complex,
Lodhi Road,
New Delhi.

.....Respondents

ORDER (ORAL)

This application has been filed seeking the following reliefs:-

- (a) call for the records of the case;
- (b) quash and set aside the impugned order dated 9.3.2001 issued by respondent No.2 and declare the same as illegal and arbitrary;

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(c) direct the respondents to give all consequential benefits from the date from the date from which suspension order was deemed to have been passed by the respondents;

(d) award exemplary costs of the proceedings; and

(e) pass such further order or orders which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present."

2. From the perusal of the impugned order dated 9.3.2001 it appears that the same has been passed under Rule 10(1) of the CCS (CCA) Rules, 1965. There is nothing on record to suggest that an appeal against the said order has been filed before the appellate authority. The learned counsel states that he is not aware of the fact whether any appeal has been filed or not. If an appeal has been filed, order would have been communicated to the applicant. In case, the applicant has preferred an appeal against the impugned order dated 9.3.2001 (Annexure P-1) under Rule 23 of the CCS (CCA) Rules, 1965 and the appeal is still pending, the appellate authority is directed to decide the same within 4 weeks from the date of receipt of a copy of this order under intimation to the applicant.

3. Since the grievance of the applicant is also regarding non-review of the suspension allowance periodically, the appellate authority either himself or through the disciplinary authority will take appropriate action for review of the suspension.

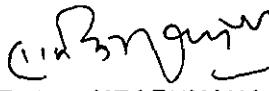
4. In case the applicant has not filed any appeal under Rule 23 (1) CCS (CCA) Rules, 1965, the applicant is directed to file the appeal within three weeks from

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today before the the appellate authority along with a copy of the OA. The appellate authority may not take objection of the limitation. This direction is being issued considering the fact that the applicant has always been agitating his suspension review as can be seen from the various correspondences made by the applicant.

5. Section 20 of the Administrative Tribunals Act, 1985 provides that no application is admitted unless the remedies available to the applicant have been exhausted by him. Therefore, this application is premature without awaiting the statutory remedy of filing appeal.

6. In view of the directions contained in the preceding paragraphs, this OA is disposed of without any order as to costs at the admission stage.


(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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