

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.4923 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring order of the First Respondent dated 02-02-2016 and the order of the Second Respondent dated 03-12-2015 where under the punishment is imposed by way of compulsory retirement from the service as arbitrary, unjust, discriminatory, violative of principles of natural justice, improper consideration of the material available on record, violative of the procedure contemplated under the Central Civil Services (Classification, Control and Appeal) Rules 1964, violative of Article 14 of the Constitution of India, contrary to the judgments of the Apex Court and this Hon'ble Court and consequently set aside the impugned orders directing the respondents to continue the petitioner in service and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

2. When the matter is taken up, a preliminary objection with regard to maintainability of the writ petition is taken up by learned Assistant Solicitor General, contending that the petitioner herein needs to approach the Central Administrative Tribunal for redressal of his grievance.

3. In view of the availability of the said alternative remedy, without expressing any opinion on the merits of the matter and entitlement of the petitioner, Writ Petition is dismissed, with a liberty to the petitioner herein to approach the Central Administrative Tribunal for redressal of his grievance.

4. Miscellaneous petitions pending consideration, if any, in the Writ

Petition shall stand closed in consequence. No costs.

A.V.SESHA SAI,J

18.02.2016
SS