

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2755 OF 2017**

P.R. Ranpise	... Petitioner
Vs.	
Union of India & Ors.	... Respondents

Mr.Vicky A. Nagrani for the Petitioner.

**CORAM : A.S. OKA &
M.S.SONAK, JJ.**

DATE : 5th SEPTEMBER, 2018

P.C.

1 Heard learned counsel appearing for the Petitioner. The challenge is to the judgment and order dated 9th February 2017 passed by the Central Administrative Tribunal by which original application preferred by the Petitioner for challenging the order of the Disciplinary Authority of imposing penalty has been dismissed on the ground of availability of statutory remedy of an appeal. The Tribunal relied upon sub-section (1) of Section 20 of the Administrative Tribunals Act, 1985.

2 The learned counsel appearing for the Petitioner does not dispute that the remedy is available. However, he submits that considering the inordinate delay in passing the order on the part of Disciplinary Authority, the Tribunal ought to have entertained the original application.

3 The contentions which were raised by the Petitioner before the Tribunal could have been raised before the Appellate Authority. We find that the Tribunal has committed no error or irregularity.

4 Hence, we decline to entertain this Petition under Article 226 of the Constitution of India as we find nothing illegal in the view taken by the Tribunal. Accordingly, Petition is rejected. However, statutory remedy of the Petitioner is kept open. To enable the Petitioner to avail of the statutory remedy, ad-interim relief granted on 7th March 2017 will continue to operate for a period of 8 weeks from today. We make it clear that the prayer for ad-interim or interim relief shall be decided by the Appellate Authority without influenced by grant of ad-interim by this Court. All contentions and merits are kept open.

(M.S.SONAK, J)

(A.S. OKA, J)