MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 539/2020 (S.B.)

Smt. Jayashree Bhaskarrao Choudhari,
Aged about 34 years,
Occ. Service, R/o Morshi,
Tq. Morshi, Dist. Amravati.

Applicant.

Versus

1) State of Maharashtra,
Through it's Additional Chief Secretary (Revenue),
Revenue and Forest Department (E-2),
32nd Floor, World Trade Centre,
Cuffe Parade, Mumbai-05.

2) District Collector, Amravati.

3) Tahsildar, Morshi, Tq. Morshi,
Dist. Amravati.

4) Shri Siddharth More,
Tahsildar, Morshi, Tahsil Office, Morshi,
District Amravati.

5) Shri Sahadev M. Chate,
Aged about 38 years,
Occ. Service, C/o Tahsil Office,
Morshi, Tq. Morshi,
Dist. Amravati.

Respondents

Shri S.Y.Deopujari/Smt. S.Kulkarni, ld. Advocate for the applicant.

Shri S.A.Sainis, ld. P.O. for the respondents 1 to 3.

None for the R-4 & 5.

Coram :- **Hon'ble Shri M.A.Lovekar, Member (J).**

JUDGMENT

Judgment is reserved on 04th March, 2024.

Judgment is pronounced on 07th March, 2024.

Heard Shri S.Y.Deopujari/Smt. S.Kulkarni, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents 1 to 3. None for the R-4 & 5.

2. Facts leading to this O.A. are as follows. The applicant was working as a Peon in Tahsil Office, Morshi since 05.01.2019. On 23.06.2020 she made a complaint (A-4) of sexual harassment in the office against respondent no. 4 to respondent no. 3. (She also made similar complaints Annexures – 5, 6 & 7 to respondents 2 & 3 and R.D.C., Amravati, respectively). On her complaint (A-4) Internal Committee was formed. Said Committee submitted its report dated 29.06.2020 (at PP. 38 to 44) to respondent no. 3. The Committee concluded as follows:-

> निष्कर्ष :-
> वरील अर्जदार व गैरअर्जदार तसेच कार्यालयीन कर्मचारी यांचे बयाण लक्षात घेता महिला समितीला व समिती सदस्याला असे आढळुन की तक्रार महिला यांनी आकसापोटी रागाच्या भरात तक्रार दिलेली आहे. सदर तक्रारीत वरील नमुद केलेल्या कर्मचा-यांच्या बयाणानुसार असे आढळुन आले कि, सदर तक्रारीत तथ्य दिसुन येत नाही त्यामुळे गैरअर्जदार त्यांच्या विरुध्द कुठली कार्यवाही करण्याची आवश्यकता वाटत नाही. तक्रार कर्ता श्रीमती जे.वि. चौधरी शिपाई यांनी खोटी तक्रार करुन कायदयाचा दुरुप्रयोग करण्याचा प्रयत्न केल्यामुळे त्यांच्या विरुध्द

कामाचे ठिकाणी महिलांचे लैंगिक शोषण (प्रतिबंध, मनाई निवारण) कायदा २०१३ चे कलम १४ (१) अन्वये कार्यवाही करण्याचे प्रस्तावित करण्यात येत आहे.

On receipt of report of Internal Committee, respondent no. 3, by letter dated 01.07.2020 (at P. 37) informed respondent no. 2 as follows:-

महोदय,
उपरोक्त संदर्भांकित विषयाचे अनुषंगाने, संदर्भीय क्रमांक २ अन्वये श्रीमती जे. बी. चौधरी शिपाई यांनी श्री.एस.एम. चाटे अ.का. यांचेविरूध्द या कार्यालयात तक्रार दाखल केली होती. सदर तक्रारीची चौकशी करण्याकरीता संदर्भीय क्रमांक ०१ अन्वये महिला तक्रार निवारण समोती यांचेकडे ही तक्रार हस्तांतरीत करण्यात आली होती. सदर तक्रारीची चौकशी महिला समीतीने केली असुन त्या बाबतचा सविस्तर अहवाल संदर्भीय क्रमांक ०३ नुसार प्राप्त झाला आहे. सदर अहवालात तक्रारीत नमुद अर्जदार व गैरअर्जदार तसेच कार्यालयीन कर्मचारी यांचे बयाण लक्षात घेता महिला समितीला व समिती सदस्याला असे आढळुन की तक्रार महिला यांनी आकसापोटी रागाच्या भरात तक्रार दिलेली आहे. सदर तक्रारीत वरील नमुद केलेल्या कर्मचा-यांच्या बयाणानुसार असे आढळुन आले कि, सदर तक्रारीत तथ्य दिसुन येत नाही त्यामुळे गैरअर्जदार त्यांच्या विरुध्द कुठली कार्यवाही करण्याची आवश्यकता वाटत नाही. तक्रार कर्ता श्रीमती जे.बि. चौधरी शिपाई यांनी खोटी तक्रार करुन कायद्याचा दुरुप्रयोग करण्याचा प्रयत्न केल्यामुळे त्यांच्या विरुध्द कामाचे ठिकाणी महिलांचे लैंगिक शोषण (प्रतिबंध, मनाई निवारण) कायदा २०१३ चे कलम १४ (१) अन्वये कार्यवाही करण्याचे प्रस्तावित करण्यात येत आहे. असा अहवाल प्राप्त झाला.

Thereafter, the applicant made the complaint (A-5) to respondent no. 2 alleging *inter alia* as follows:-

तसेच तहसिलदार साहेबांनी व सदर समितीनी माझ्या तक्रारीवर कोणतीही कार्यवाही न करता माझी तक्रार खोटी असल्याचा निष्कर्ष काढला व मला बदलीची

> धमकी देखील दिली. तसेच मला वारंवार कुठे बदली करायची असे विचारणा करून मानसिक त्रास देत आहे.

Thereafter, by order dated 13.08.2020 (A-R-1) respondent no. 2 constituted a Committee to conduct detailed enquiry into the allegations made by the applicant. This order stated:-

> उपरोक्त वाचा क्र.१ अन्वये, उपविभागीय अधिकारी, मोर्शी यांनी महिला तक्रार निवारण समिती, मोर्शी यांचे अहवालानुसार श्रीमती जे.बी. चौधरी शिपाई तहसील कार्यालय, मोर्शी यांनी खोटी तक्रार करुन कायद्याचा दुरुपयोग केल्याचा प्रयत्न केल्यामुळे त्यांच्या विरुध्द कामाचे ठिकाणी महिलांचे लैंगिक शोषण (प्रतिबंध, मनाई, निवारण) कायदा-२०१३ चे कलम १४(१) अन्वये कारवाई करण्याकरीता या कार्यालयास प्रस्तावित केले आहे.
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> वाचा क्र.२ अन्वये, श्रीमती चौधरी शिपाई तहसिल कार्यालय मोर्शी यांचा तक्रार अर्ज या कार्यालयात प्राप्त झाला असून सदर तक्रारीनुसार त्यांनी यापूर्वी तहसीलदार, मोर्शी यांना दिलेल्या तक्रारीवर काहीही कार्यवाही न करता त्यांनीच खोटी तक्रार दिली असल्याचा निष्कर्ष काढला असल्यामुळे पुनश्चः या कार्यालयास तक्रार सादर केली आहे.
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> सदर प्रकरणात सविस्तर चौकशी करुन अहवाल या कार्यालयास सादर करण्याकरीता खालील प्रमाणे समिती गठीत करण्यात येत आहे.

On 20.08.2020 the enquiry was held in camera in the chamber of S.D.O., Morshi. In its report dated 22.08.2020 (A-2) the Committee concluded as follows:-

> निष्कर्ष:-

महोदय सदर प्रकरणात दाखल तक्रारकर्ता व जबाब देणार यांच्या बयाणावरुन तक्रारकर्ते श्रीमती जयश्री भाष्करराव चौधरी यांनी कार्यालयात स्वाक्षरीसाठी मस्टर उपलब्ध करुन देत नाही या तत्कालीन कारणामुळे दुखावल्या गेल्या व त्यांनी आकसापोटी, ही तक्रार रागाच्या भरात केलेली दिसून येते. तक्रारीत नमुद केल्याप्रमाणे कोणतेही शारीरीक, मानसीक छळ झाल्याबाबत त्यांनी समितीसमोर सांगीतले नाही.

जाब देणार श्री. चाटे. अ. का. यांना त्यांचेवरील कोणतेही आरोप मान्य नाही असे सांगीतले व खोटी तक्रार केल्यामुळे माझी मानसीक/कौटुंबिक नुकसान झाल्याबाबत सांगीतले.

तक्रारकर्ती व्यक्ती हीने जिल्हाधिकारी कार्यालयात सादर केलेल्या तक्रारीमध्ये नमुद केले आहे की, संजय सोळंके नावाच्या व्यक्तीचे वेळोवेळी फोन येतात व जिल्हाधिकारी यांचे नावाने रक्कमेची मागणी केली जाते. यांचे कॉल रेकॉर्ड संबंधिताकडे आहे, याबाबत शहानिशा करणे समितीच्या कार्यकक्षेमध्ये येणार नाही या करीता संबंधितानी पोलीस स्टेशनमध्ये तक्रार करणे उचित राहील.

सर्व अधिकारी कर्मचारी यांचे बयान ऐकुन घेतल्यानंतर तसेच उपलब्ध सर्व कागदपत्राचे अवलोकन केले असता तक्रारीच्या संबंधाने स्थळ निरिक्षण केल्यानंतर व सदरहु तक्रार ही अतिशय मोघम स्वरुपाची असल्याचे दिसुन येते. तक्रारकर्ती व्यक्तीकडे लिखीत तक्रारी बाबत कोणताही सबळ पुरावा तसेच निश्चीत स्वरुप सांगता आले नाही, तसेच बयानामध्येही लिखीत तक्रारीमधील अनेक मुददे सदरहु व्यक्तीने स्वतः नाकारलेले आहेत.

यावरुन तिचा कोणताही शारीरीक अथवा मानसिक छळ हा कार्यालयीन कामाच्या ठिकाणी महीलाचे लैंगिक शोषण (प्रतिबंध, मनाई, निवारण) कायदा २०१३ नुसार झाल्याचे दिसुन येत नाही. सबब सदर अहवाल उचित कार्यवाही करीता सादर करण्यात येत आहे.

On 31.08.2020 respondent no. 2 passed the order (A-1) transferring the applicant to Chandur Bazar. On the same day

respondent no. 3 passed relieving order (A-2) of the applicant. Hence, this Original Application impugning Annexures A-1 & A-2, and seeking direction to respondent no. 2 to constitute an Independent Committee to enquire into the complaints of sexual harassment (Annexures A-4 to A-7) made by the applicant.

3. In para 6.7 the applicant has pleaded as follows:-

> *It appears that the Respondent No. 2 has passed the impugned transfer order upon the proposal submitted by the Respondent No. 3 to transfer the applicant by invoking the provisions of Section 14(1) of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. However while passing the transfer order even the mandate of Section 14 of the said Act and the procedure laid down in it; is not followed by the Respondent No.2. In fact the said transfer order passed by the Respondent is punitive in nature, as same appears to have been passed in view of the provisions of Section 14 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal)Act, 2013.*

Respondents 2 & 3, on the other hand have assailed the maintainability of the O.A. on the ground that the applicant did not avail alternate remedy under Section 18 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred as "the Act"). From the above referred pleading of the applicant, and chronology, it becomes apparent that the impugned order is relatable to Section 14 of the Act.

4. Principal contention of the applicant is that the procedure adopted by respondent no. 2 before passing the impugned order of her transfer breached Section 14 of the Act and it thereby stood vitiated.

5. Sections 14 & 18 of the Act read as under:-

> ***14. Punishment for false or malicious complaint and false evidence***
>
> *(1) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:*
>
> *Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:*
>
> *Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.*
>
> *(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.*
>
> ***18. Appeal***
>
> *(1) Any person aggrieved from the recommendations made*
>
> *under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub- section (3) of section 13 or sub-section (1) or sub-section (2) of*

> *section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the Court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.*
>
> *(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.*

A conjoint consideration of these provisions shows that order passed under Section 14 (1) of the Act is appellable under Section 18 of the Act.

6. I have referred to the preliminary objection to maintainability of the O.A. raised by respondents 2 & 3. This O.A. was admitted on 08.01.2021. The question that needs to be answered at this stage is whether this Tribunal can go into the question of maintainability of the O.A. on account of failure of the applicant to avail alternate remedy, even after O.A. is admitted. There appears to be no statutory bar to do so. So far as this aspect of matter is concerned following observations made by the **Kolkata Bench of Central Administrative Tribunal in its judgment dated 04.10.2023 (Pawan Kumar Vs. Union of India & 3 Ors.)** may be adverted to :-

> *20. At this stage, it is appropriate to refer to the provisions of Section 20 of the Administrative Tribunals Act, 1985, which reads as under :-*

"20. Applications not to be admitted unless other remedies exhausted.—

(1) 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.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,—

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired. (3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be of one of the remedies which are available unless the applicant had elected to submit such memorial."

21. Limitation.—

(1) A Tribunal shall not admit an application,—

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.
(2) Notwithstanding anything contained in sub-section (1), where—

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court, the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period."

21. It can be seen that in Section 20(1) of the AT Act, it is clearly mandated that the "Tribunal shall not ordinarily admit" - an application unless satisfied that the applicant has availed all the remedies available under the relevant service rules as to the redressal of the grievance taken up in the O.A.

22. Further, when it is read along with Section 20(1)(a), 20(1)(b) and 21(1)(b), it is clear that in case where final orders such as mentioned in clause (a) of subsection 2 of Section 20 has not been made in connection with the grievance and six months have not lapsed per Section 20(2)(b) read with 21(1)(b), the application filed before this Tribunal would be non est in eyes of law and is liable to be dismissed in limine. It is reiterated that in the present case, the applicant has undisputedly not exhausted the statutory remedy available to him as provided under Rule 15 of CCS(CCA) Rules.

23. Even for sake of some leniency there is no fig leaf of a cover to help, for the Tribunal to consider this matter as an exception. This becomes important from the point of view of assertion of the Ld. Counsel for the applicant, that the word used Section 20(1) is –'ordinarily' and the O.A. can be entertained without exhausting the alternate remedies. In the present case on perusal of the material on record we find that except the apprehension and misconceived declaration on the part of the applicant that filing of representation before the Disciplinary Authority is of no avail, there is nothing exceptional about the circumstances which the applicant has stated and hence the word 'ordinarily' cannot be waived and his case

be treated as an exception. Therefore, the prayer of the applicant with regard to treating this application as an exception by doing away with the conditions stipulated under Section 20 of the AT Act, 1985 is not in tenable.

24. It is required to mention that the logical rationale for such a provision (Section 20) is that a cause of action should arise sufficiently and more so, the court would be stepping into the shoes of the executive authorities in rushing to decide the matter when the process is still very much in its early stage of statutory decision to be taken with regard to the disciplinary proceeding instituted against the applicant by the Disciplinary Authority in terms of Rule 15(4) of the CCS (CCA) Rules.

25. This Tribunal is of the considered opinion that since no order had so far been issued by the authority competent to issue the same in terms of provision contained under Rule 15(4) of CCS (CCA) Rules, the Tribunal is not in a position to intervene in the disciplinary proceedings and stall the process just because certain irregularities were alleged to have been committed by the Inquiry Authority while conducting inquiry against the applicant as well the findings recorded by the said Inquiring Authority. The Disciplinary Authority is the competent person to take a final decision in respect to disciplinary proceeding on receipt of inquiry report and written submission or representation of the charged officer in terms of Rule 15(4) of the CCS (CCA) Rules.

26. In this regard it is profitable to refer to the judgment passed by ***Hon'ble Apex Court in the case of Smt. Ujjam Bai v. State of Uttar Pradesh and Anr., AIR 1962 SC 1621****; wherein it is held that:*

> *"while a quasi-judicial authority that has jurisdiction to decide, does not lose that jurisdiction by deciding the matter erroneously, yet where certain essential preliminaries are absent, such absence may deny jurisdiction to the Tribunal or authority. The issue of a proper order by the authority competent to do so is an essential pre-condition for the exercise of jurisdiction by the Tribunal under Section 19 of the Act, the failure of which requirement may render the entire exercise undertaken by the Tribunal incompetent thereby vitiating the interim orders passed by it."*

27. Then again, in the matter of ***D .B. Gohil vs. Union of India & Ors. [2010] 12 SCC 301 Hon'ble Apex Court*** *while interpreting scope of Section 20 (1) of CAT Act laid down that without being satisfied that applicant has availed of all the remedies available under the relevant Service Rules ordinarily an OA shall not be entertained by the Tribunal but in exceptional case it can be entertained. The Hon'ble Apex Court held as under:-*
"5. Section 20(1) of the Administrative Tribunals Act, 1985 (`the Act' for short) provides that the Tribunal shall not ordinarily admit an application

unless it is satisfied that the appellant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. The use of words "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" in Section 20(1) of the Act makes it evident that in exceptional circumstances for reasons to be recorded the Tribunal can entertain applications filed without exhausting the remedy by way of appeal."

28. It is apt to mention that the word "ordinarily" has been interpreted by the Five judge Bench of the Hon'ble Apex Court in ***Kailash Chandra v.s Union of India, (1962) 1 SCR 374****, that the word "ordinarily" means in the large majority of cases but not invariably. It was held thus:*

> *"This intention is made even more clear and beyond doubt by the use of the word "ordinarily".*
>
> *"Ordinarily" means "in the large majority of cases but not invariably".*

Therefore, in our considered opinion, in the present case, there is no exception or variation to exclude the mandate of Section 20 of the AT Act, 1985.

29. Further, in the case of ***Govt. of Andhra Pradesh & Ors. Vs. P. Chandra Mauli and Anr. [2009] 13 SCC 272 Hon'ble Apex Court*** *held that in a case where alternative remedy could not be avoided, the High Courts have not to entertain the writ petition.*

Relevant portion reads:-

> *"9. The High Court ought to have noticed that this was not a case where alternative remedy could be avoided. It was necessary, as rightly observed by the Tribunal in the first occasion, for Respondent 1 to avail alternative remedy. Further the High Court has considered the plea of mala fides in the writ petition. The Tribunal had not considered the case on merit. It had only directed Respondent No.1 to avail statutory remedy. That being so it was certainly not open to the High Court to go into a detailed examination of the alleged mala fide.*
>
> *XXXX*
> *15. It is not a case where the High Court should have entertained the writ petition when the Tribunal had disposed of the OA only on the ground of availability of alternative remedy. The impugned*

order is set aside. We make it clear that we have not expressed any opinion on the merits of the case."

30. Then again in a seven judge Bench of the ***Hon Apex Court - in the matter of S.S. Rathore vs State Of Madhya Pradesh on 6 September, 1989, Equivalent citations: 1990 AIR 10, 1989 SCR Suppl. (1) 43****, it was held as under:*

"16. The rules relating to disciplinary proceedings do provide for an appeal against the orders of punishment imposed on public servants. Some Rules provide even a second appeal or a revision. The purport of Section 20 of the Administrative Tribunal Act is to give effect to the disciplinary rules and the exhaustion of the remedies available thereunder is a condition precedent to maintaining of claims under the Administrative Tribunals Act."

18. We are satisfied that to meet the situation as has arisen here, it would be appropriate to hold that the cause of action first arises when the remedies available to the public servant under the relevant service Rules as to redressal are disposed of.

It is required to mention that the Hon'ble Apex Court in the said judgment after referring the statutory guidance for disposal of one appeal or the entire hierarchy of reliefs as provided in the form of provision of Section 20 of the AT Act, 1985 held in para 20 of the said judgment as under:

"20. We are of the view that the cause of action shall be taken to arise not from the date of the original adverse order but on the date when the order of the higher authority where a statutory remedy is provided entertaining the appeal or representation is made and where no such order is made, though the remedy has been availed of, a six months' period from the date of preferring of the appeal or making of the representation shall be taken to be the date when cause of action shall be taken to have first arisen. It is proper that the position in such cases should be uniform. Therefore, in every such case only when the appeal or representation provided by law is disposed of, cause of action shall first accrue and where such order is not made, on the expiry of six months from the date when the appeal was-filed or representation was made, the right to sue shall first accrue. Submission of just a memorial or representation to the Head of the establishment shall not be taken into consideration in the matter of fixing limitation."

It can be seen that in the aforesaid dictum laid down by Hon'ble Apex Court, the cause of action as such arose on the date of final decision of the authority empowered under the statute. Therefore, we are of the

considered opinion that in absence of exhausting of statutory remedy available, the present O.A. cannot be entertained.

7. A conjoint consideration of facts of the case and legal position summarised in its judgment by Kolkata Bench of Central Administrative Tribunal, I hold that the O.A. is not maintainable because the applicant did not avail alternate remedy of appeal provided under Section 18 of the Act. In this case there was all the more reason to first avail remedy of appeal since there are questions of fact which need to be gone into and dealt with. In view of the finding that the O.A. is not maintainable because the applicant did not avail alternate remedy, it would not be appropriate to deal with other merits of the matter since the applicant may avail remedy of appeal. In the result, **the O.A. is dismissed with no order as to costs.** In case the applicant chooses to prefer an appeal under Section 18 of the Act, the appellate authority shall duly consider the provisions of the Limitation Act regarding exclusion of time spent in availing a wrong remedy.

Member (J)

Dated :- 07/03/2024
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno	:	Akhilesh Parasnath Srivastava.
Court Name	:	Court of Hon'ble Member (J).
Judgment signed on and pronounced on	:	07/03/2024
Uploaded on	:	08/03/2024