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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.776/2001

New Delhi, this the 15th day of January 2002

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S.K. AGRAWAL, MEMBER (A)

1. A.K. Agarwal
S/o Shri Harish Chand
JE (C) PWD Division,
Central Public Works Deptt.
New Delhi.
2. N.S. Maushik
S/o Shri Hazari Lal
J.E. (E) Parliament Works
Electrical Division-II,
Central Public Works Department.
New Delhi.
3. Rejendra Kumar
S/o Shri O.P. Srivastava,
J.E. Central Stones Division No.II,
CPWD, New Delhi.

... Applicants

(By Advocate: None)

V E R S U S

1. Union of India
through the Secretary
Ministry of Urban Affairs,
Nirman Bhawan, New Delhi.
2. Director General
Central Public Works Department
Nirman Bhawan, New Delhi.
3. Chief Engineer (Training)
Central Public Works Department
Nirman Bhawan, New Delhi.

... Respondents

(By Advocate: Shri R.N.Singh for Shri R.V.Sinha)

O R D E R (ORAL)

Justice Ashok Agarwal, Chairman :

Applicant and their advocates are absent. We have heard Shri R.N.Singh, learned proxy counsel for the respondents and we proceed to dispose of the OA on merits in the absence of the applicant and his advocate in terms of Rule 15 of C.A.T. (Procedure) Rules, 1987.

[Signature]

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2. Applicants, three in number, have instituted the present OA seeking to impugn the notice of 16.9.1998 at Annexure-C inviting applications for promotion from the post of Junior Engineer to that of Assistant Engineer and the consequent orders of promotion, two in number, both dated 16.2.1999 at Annexures E & F. By the order of promotion at Annexure E, as many as 89 candidates belonging to SC/ST have been promoted, whereas by the later order as many as 13 candidates belonging to general category have been promoted.

3. On a perusal of the OA, we find that diverse contentions/ ~~rebutts~~ ^{made} have been raised. How the orders of promotion have adversely affected the rights/claims of the applicants has not been spelt out? Applicants, we find, have approached the Tribunal without submitting their representation to the respondents for redressal of their grievances. Present OA, in the circumstances, we find, is not maintainable at least at the present stage under Section 20 of the Administrative Tribunals Act, 1985. Moreover, the notice of 16.9.1998 at Annexure-C had been sought to be challenged by instituting OA-2239/98 and connected OA. The same has, by an order dated 15.2.1999, been maintained and consequent promotions have been directed based on directions contained in the order of 3.2.2000 in OA-1682/99 at Annexure R-1.

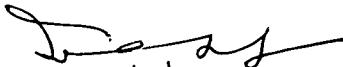
4. Having regard to the fact that applicants have approached this Tribunal without making a representation in respect of their grievance to the respondents, we do



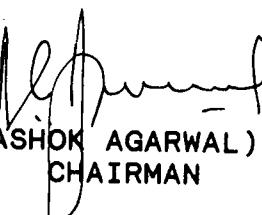
(3)

not propose to entertain the same. Present OA, in the circumstances, is dismissed with liberty to the applicants to make a representation in respect of their grievance to the respondents and if orders unfavourable to them are passed thereafter approach this Tribunal, if so advised. It goes without saying that such a representation if and when filed will be disposed by the respondents by passing suitable orders expeditiously and in accordance with law and the relevant rules made thereunder.

5. Present OA is dismissed in the aforesated terms.
No order as to costs.


(S.K. AGRAWAL)

MEMBER(A)


(ASHOK AGARWAL)

CHAIRMAN

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