

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

6

O.A. No. 2016/95

New Delhi this the 20th day of August, 1996

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Hon'ble Shri R.K. Ahooja, Member(A).

Dinesh Kumar Singh,
S/o Shri Prem Singh,
R/o Block No. F-64C/12,
House No. 285, Sector 40,
Noida,
Distt. Ghaziabad (UP).

..Applicant.

By Advocate Ms Kiran Chabra, proxy counsel for Mrs.
Rani Chabra.

Versus

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.

2. Sub Divisional Officer, Phones II,
R.L.U. Exchange,
D-46, Sector 39, Noida,
Distt. Ghaziabad (UP).

..Respondents.

None for the respondents.

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Heard.

2. The applicant is aggrieved by the impugned oral order terminating his services from 10.4.1995 which he states is in violation of the provisions of Section 25 F of the Industrial Disputes Act, 1947 as well as the Articles 14, 16 and 21 of the Constitution. He states that he has put in more than 240 days of service and his services have been terminated without issuing him a notice, and that the respondents have thereafter taken juniors and outsiders in service. The learned proxy counsel submits


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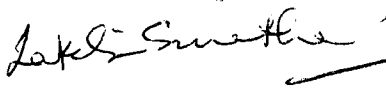
Q that although the applicant had approached some officers in the respondents office against his retrenchment time and again, they have failed to reengage the applicant in spite of assurances.

3. The respondents have not filed a reply in spite of sufficient time having been given nor have they put in any appearance even today till 3.30 p.m.

3. We have considered the submissions of the learned proxy counsel for the applicant and the material on record. We find that there is no material on record to show that the applicant has been disengaged from service or that he had made any representation to the respondents against such disengagement and employing juniors and outsiders against law. The learned proxy counsel submits that although the applicant had met the officers, he has failed to make any representation for consideration of his case for reengagement, but has instead filed this O.A. This should have been done ^{in the first instance} giving all the relevant facts mentioned above, to the respondents.

4. In the above circumstances, having regard to the provision of Section 20 of the Administrative Tribunals Act, 1985, we are of the view that since alternate remedies open to the applicant had not been availed of in this case, the application is premature and not maintainable at this stage. Accordingly, the application is dismissed. No order as to costs.


(R.K. Anchoja)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'