

Central Administrative Tribunal
Principal Bench.

O.A. 1826/96

New Delhi this the 4th day of December, 1996

(7)

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

Ashok Kumar Taneja,
S/o late Shri Sita Ram,
R/o E-75, Arya Samaj Road,
Uttam Nagar,
New Delhi.

..Petitioner..

By Advocate Shri B.L. Babbar.

Versus

1. The Union of India through
The Director General Quality Assurance,
Ministry of Defence, South Block,
New Delhi.
2. The Senior Quality Assurance Officer,
QAE (Stores), DGQA, Anand Parbat,
New Delhi.
3. The Chairman,
DPC-III, Secretariat,
SQAE (GS), Anand Parbat,
New Delhi.

..Respondents

By Advocate Shri V.S.R. Krishna.

O R D E R (ORAL)

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

The applicant who is working as Storekeeper with the respondents is aggrieved by the order dated 13.8.1996 by which on promotion from Storekeeper to Senior Storekeeper he has been posted from SQAE (GS) New Delhi to SQAE (GS) Bombay against an existing vacancy there. The learned counsel for the applicant has submitted that the other person who has been promoted by the same order from Storekeeper to Senior Storekeeper, namely, Shri Tulsi Dass, who is junior to the applicant, has been retained at Delhi itself which is ^{therefore,} arbitrary.

He has also drawn attention to the order dated 12.4.1990 passed by the respondents dealing with the in situ promotion of Storekeepers to Senior Storekeepers which he says has not been taken into account by them while posting the applicant on promotion to Bombay. Following the impugned order dated 13.8.1996, the respondents passed another Internal Office Note (ION) asking the applicant to intimate the date on which he would like to be relieved for posting to SQAE (GS) Bombay. This O.A. has been filed on 26.8.1996. Shri Babbar, learned counsel submits that prior to the impugned orders passed in August, 1996, he had on apprehension that he would be posted out from New Delhi, made a representation to the respondents on 8.7.1996 asking them whether his case for promotion to Senior Storekeeper will be ^{on} in situ basis. However, the learned counsel has clarified that the applicant did not make any further representation after the impugned orders were passed as he felt that no useful purpose would be served as the respondents had already asked the date when he would like to be relieved to take over at Bombay.

2. The respondents have filed a reply and I have also heard Shri V.S.R. Krishna, learned counsel for the respondents. One of the preliminary objections that the respondents have rightly taken in this case is that the applicant has not exhausted the departmental remedies available to him, and hence the O.A. is premature and liable to be dismissed on this account under the provisions of Section 20 of the Administrative Tribunals Act, 1985.

9

3. In this view of the matter, this O.A. is ~~liable~~
~~to be~~ dismissed as being premature. However, liberty
is granted to the applicant to make a detailed
representation to the respondents within one week from
the date of receipt of a copy of this order. The
respondents shall thereafter pass a detailed and speaking
order immediately thereon, till which date the status
quo regarding the posting of the applicant to Bombay
shall be maintained.

4. O.A. is disposed of as above. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'