

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA. No. 961 of 1996

New Delhi, this 21st day of April, 1998.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)  
HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

1. Tika Ram  
S/o Shri Churamani  
Parliament Works Division-II  
Sub Division-III, CPWD  
Parliament House  
NEW DELHI.

2. Smt. Saroj Kaushik  
W/o Shri Mohinder Singh Kaushik  
Parliament Works Division-II  
Sub Division-IV, CPWD  
Parliament House  
NEW DELHI. ... Applicants

(Service of all notices on the applicants on  
counsel's following address: Satya Mitra Garg,  
Advocate, 52-Chinar Apartments, Sector-9,  
Rohini, Delhi-110 085).

By Advocate: Shri S.M. Garg

versus

1. Central Public Works Department  
Through its Director General(Works)  
Nirman Bhawan  
NEW DELHI-1. ,

2. The Executive Engineer  
Parliament Works Division-II  
CPWD, Parliament House  
NEW DELHI. ... Respondents

(Service of all notices on the  
respondents on the above address).

By Advocate: Shri R.P. Aggarwal

O R D E R (Oral)

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

Shri R.P. Aggarwal, learned counsel for  
respondents has taken a preliminary objection in this  
case that this application is not maintainable in  
terms of Section 20 of Administrative Tribunals

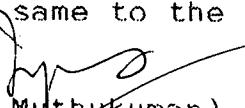
Act, 1985. He submits that not only the applicants have not made any representation so far to the respondents to consider their cases which is the subject matter of this application, but the applicants have also made false statement in para-6 of the application. In para-6 of the application the applicants have stated categorically that they have made a number of representations to the respondents. Shri S.M. Garg, learned counsel for applicants agrees that the statement in para-6 of the application is not correct, as no written representation has been made to the respondents, but they have only made oral representations. If that is so, the question of annexing copies of representations as stated in para-6 of the OA does not arise. Shri S.M. Garg, learned counsel, submits that this may be treated as a mistake.

2. We have considered the above facts. We are not inclined to accept the explanation given by Shri S.M. Garg, learned counsel with regard to the statements made in para-6 of the OA as it appears to be an <sup>after</sup>~~an~~ <sup>after</sup>~~an~~ afterthought. Shri Garg has submitted that he may be allowed to amend the application suitably. In the circumstances, this cannot also be accepted. We are further of the view that the objections raised by Shri R.P. Aggarwal, learned counsel for respondents that in view of the false statement made in the OA, the OA may be dismissed with cost, is also well taken. From the facts narrated above, it is

*PS*

clear that the applicants have not approached this court with clean hands and, therefore, this application is liable to be dismissed. (See judgment of the Supreme Court in Welcome Hotel Vs State of A.P. (1983(4) SCC. 575))

3. In view of the above reasons, this OA is dismissed at the admission stage, imposing a cost of Rs. 500/- (Rupees five hundred) in favour of the respondents and against the applicants. The respondents on receipt of the said amount, shall pay the same to the CAT Bar Association Library.

  
(K. Muthukumar)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)

dbc