

Central Administrative Tribunal
Principal Bench

R.A.No.246/98
O.A.No.2294/97
M.A.No.2479/98

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

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New Delhi, this the 18th day of May, 1999
Sh. Laljeet Yadav & Another ... Applicant(s)
(By Mrs. Rani Chhabra, Advocate)

Vs.

Union of India & Others. ... Respondents
(Department of Telecommunication)
(By Shri K.R.Sachdeva, Advocate)

O R D E R (Oral)

The applicants in OA No.2294/97 had come before the Tribunal aggrieved that though they had rendered the requisite service, the respondents have not granted them temporary status and instead disengaged them without following the procedure prescribed in respect of the casual labour with temporary status. Another grievance of the applicants was that the respondents had engaged fresh persons without considering the claim of the applicants.

2. The OA was disposed of at the admission stage itself with a direction that in case the applicants file a representation regarding their re-engagement, the respondents will consider the same, if work is available in future, in preference to their juniors and outsiders.

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3. The respondents have now come before the Tribunal seeking a review on the ground that since no notice was served on the respondents, the respondents were denied opportunity for making their factual/legal submissions before the Tribunal.

4. Today when the matter came up Shri K.R.Sachdeva, learned counsel for the respondents/review petitioners, has submitted that since no notice was issued to the respondents, there is an error of law patent on the face of the record.

5. I have considered the matter carefully. Section 20 of the Administrative Tribunals Act, 1985 provides as follows:

"(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."

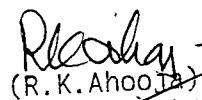
6. The direction in the impugned order of the Tribunal was that the representation filed by the applicants will be considered by the respondents. I do not agree with the argument advanced by Shri K.R.Sachdeva, learned counsel for the review petitioners that in case the applicants had not exhausted the departmental remedy, then the OA was liable to be dismissed summarily and no directions were required to be issued to the respondents. The directions given in the impugned order are not prejudicial to the interest of the respondents since all that was required was to consider the representation of the applicants. The direction given to the respondents is to do their duty expeditiously in respect of the disposal of the

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representation of the applicants. I have also did not agree with the learned counsel for the respondents that such a direction is to be interpreted as an advisory rather than a mandamus to the respondents since the direction has to be complied with ^{by} the respondents. Such a direction in my view becomes necessary in certain cases where applicants as herein are casual labourers with little or no resources to ~~knock~~ at the doors of the Courts ~~repeatedly~~ for getting redressal of their grievances.

For the reasons aforesaid, the the RA dismissed.


(R.K. Ahooja)
Member(A)

/rao/