

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 5/1994

New Delhi the 5th Day of January, 1994

Hon'ble Mr. N.V. Krishnan, Vice Chairman (A)
Hon'ble Mr. B.S. Hegde, Member (Judicial)

Sh. Ram Singh Choudhary
A-37, Ambay Garden,
P.O. Samaypur, Delhi-42

.... Applicant

(By Advocate Sh. P.C. Jain)

Versus

1. National Capital Territory of Delhi
the Govt. of Delhi
Through-Secretary Land and Building,
Vikas Bhawan, I.P Estate, N/Delhi-2
2. The Chief Engineer, PWD (Elect)
Zone No. 1, Curzon Road, New Delhi-1
3. Asstt/Junior Engineer (Elect) PWD
Hot Miz Plant-II
G.T. Karnal Road, Delhi-42

.... Respondents

ORDER (ORAL)

(Hon'ble Mr. N.V. Krishnan, Vice Chairman (A))

We have heard the learned counsel for the applicant. This applicant earlier filed OA No. 1886/91 against his being designated as muster roll khallasi on daily wages and being paid as such, while he was made to work as Tar Boiler Operator. The Tribunal found no merit in this OA and, therefore, it was dismissed (Ann.A-3)

2. The applicant filed a SLP in the Supreme Court against this order. This was disposed of by the Ann. A-4 order dated 30.11.1992. The Supreme Court noted that no factual matrix was available in the case to arrive at any conclusionⁿ that the persons junior to the petitioner as Muster Roll Khallasi are being regularised and the petitioner being senior to them has been ignoredⁿ. However, the Court has also observed that if the petitioner had any such grievance, he was at liberty to raise that grievance before the appropriate authorities. With these observations, the SLP was dismissed.

3. In pursuance of the order, the applicant sent a representation dated 24.2.1993 (Annexure A-5) to three authorities, of whom two are respondents in this O.A., namely, respondents 2 and 3. In this application, he has sought promotion as Tar Boiler Operator on the ground that his junior Lal Chand has been so promoted. He has not received any reply to the Ann. A-5 representation.

4. The applicant states that he has been regularized as khallasi from 23.12.1992 (Ann. A-8) though, he claims, he ought to have been regularized from 4.2.1992 from which date he has been continuously engaged, as evidenced by Ann. A-1 certificate. He has filed OA 732/93 in this connection which is still pending.

5. He has sought the following reliefs:-

- (i) The case No. OA 332/93 for regularisation of service be heard along with this case of promotion, for continuation of service from the date of appointment 4.2.1982.
- (ii) The case of promotion be decided on merits and facts stated above, for the post of T₃r Boilor Operator as per physical work and Judgement of Supreme Court AIR 1986 SC -584.

6. We have heard the learned counsel for the applicant. The O.A. would have been maintainable if a proper representation had been made to the authorities in terms of the Supreme Court's order at Ann.A-4. We find that this has not been done. The applicant has only claimed promotion because Lal Chand, allegedly his junior, has been promoted. He has not^{at} all elaborated in his representation how he considers Lal Chand to be his junior so as to enable the respondents to consider his case properly. If, after filing such an application, he feels aggrieved by the respondents' reply or inaction, he may seek such remedy as may be advised. Prayer (i) above can arise for consideration only then.

7. In the circumstances, we dismiss this application at the admission stage giving liberty to the applicant to move the authorities concerned in the manner indicated above within a period of one month from the date of receipt of this order.

(B.S. Hegde)

Member (J)

(N.V. Krishnan)

Vice Chairman (A)