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Central Administrative Tribunal
Principal Bench

O.A. No. 36 of 2000

New Delhi, dated this the 18th JULY, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri T.R. Mohanty,
S/o Shri R.N. Mohanty,
Director (Statistics & Records),
Directorate of Statistics & Records,
Directorate General of Resettlement,
Ministry of Defence,
West Block No.4, Wing No.5, First Floor,
R.K. Puram,
New Delhi-110066. .. Applicant

(Applicant in person)

Versus

1. Union of India through the
Secretary,
Dept. of Statistics & Prog. Impl.,
Ministry of Statistics & Prog. Impl.,
Sardar Patel Bhawan,
New Delhi-110001.
2. Shri M.D. Asthana,
Formerly Secretary,
Dept. of Statistics etc.
Currently Secretary,
Dept. of Food & Civil Supplies,
Ministry of Food & C.A.,
172, Krishi Bhawan,
New Delhi-110001.
3. Shri K.S.P. Rao,
Director,
Dept. of Statistics & Prog. Impl.,
Ministry of Planning & Prog. Impl.,
Sardar Patel Bhawan, Parliament Street,
New Delhi-110001.
4. Shri N.K. Sharma,
Formerly Under Secretary,
Dept. of Statistics etc.
Currently Deputy Director,
Central Statistical Organisation,
Dept. of Statistics & Prog. Impl.,
Ministry of Planning & Prog. Impl.,
Sardar Patel Bhawan,
Parliament Street,
New Delhi-110001. .. Respondents

(By Advocate: Shri P.H. Ramchandani)

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ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' O.M. dated 28.10.99 (Annexure A-1) on grounds contained in Paragraph 5 of the O.A.

2. Heard both sides.

3. Respondents have themselves stated in their reply that the impugned O.M. is only advisory in character and is not binding in any way.

4. Applicant contends that the use of the words "consistently with official propriety and discipline" in Paragraph 2 of the O. M. means that it is binding on all concerned and would invite penal consequences if not obeyed. He apprehends that if such penal consequences are visited upon him, his challenge to the same may fail, if only for the fact that he did not impugn the impugned O.M. dated 28.10.99 at the appropriate juncture.

5. When respondents themselves state that the impugned O.M. is only advisory in character and is not binding in any way, we have no reason to doubt their statement. Rule 19 A.T. Act permits a person to file an O.A. if he is aggrieved by any order, and as nothing has been shown to us to establish that the aforesaid O.M. has been or is being ^{enforced} against applicant, we are not satisfied that he can have any legitimate grievance with respect to the same at this

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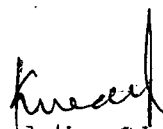
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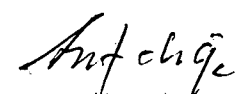
stage.

6. We, however, make it clear that any action is taken by respondents against applicant pursuant to the aforesaid impugned O.M. dated 28.10.99, which is challenged by him, respondents will not be allowed to take the defence that applicant had not impugned O.M. dated 28.4.99.

7. Applicant has also complained that while on the one hand he has filed several representations (listed in the O.A.) to respondents for redressal of his grievances, those representations have gone unreplied to, compelling him to approach the Tribunal, time and again, on the other hand respondents by issuing impugned O.M. dated 28.10.99 are calling upon him and his colleagues in I.S.S. to exhaust the official channels, for redressal of their grievance before approaching Courts of Law. He complains that it is only because his grievances have not been redressed through official channels, that he is compelled to approach the Law Court. Respondents should ensure that such of applicant's representations as are pending, ^{are disposed of} in accordance with rules and instructions, under intimation to him, in a time bound manner.

8. Subject to what has been stated in Paragraphs 6 and 7, the impugned O.M. dated 28.10.99 warrants no judicial interference at this stage. The O.A. is disposed of accordingly. No costs.


(Kuldip Singh)
Member (J)
gk


(S.R. Adige)
Vice Chairman (A)