

Central Administrative Tribunal
Principal Bench: New Delhi.

Regn. No. OA-1349/89

Date of Decision 11.7.89

Shri Subhash Chander Puri

... Applicant.

Vs.

Union of India & Ors.

... Respondents.

For the applicant

... Shri G.K. Aggarwal,
Advocate.

For the respondents

... None.

CORAM: HON'BLE SHRI P. SRINIVASAN, ADMINISTRATIVE MEMBER
HON'BLE SHRI T.S. OBEROI, JUDICIAL MEMBER.

JUDGEMENT (ORAL)

(Judgement of the Bench delivered by Hon'ble
Shri P. Srinivasan, Administrative Member).

This application has come up before us for admission ^{of}
today. Shri G.K. Aggarwal, learned counsel for the applicant ^{has}
been heard.

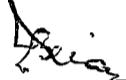
2. In this application, the applicant wants us to direct
the respondents to grant him three increments to which he is
entitled by virtue of acquiring an Engineering Degree. The
applicant relies on a judgement of this Tribunal rendered on
23.11.1987 in Ved Parkash Malhotra Vs. Union of India, T.A.
552/86. On our enquiry, Shri Aggarwal fairly admits that no
representation has been made by the applicant to the authorities
on the subject after the aforementioned judgement was delivered
by this Tribunal. Shri Aggarwal submits that that judgement
is a judgement in rem and therefore, the applicants who are
similarly situated are entitled to the relief given to the
applicant in that case.

3. We are of the view that irrespective of whether the
judgement relied upon is in rem or in personam, the applicant
should first approach the authorities with his claim and only
after the authority rejects it will be a cause of action
arise to come to this Tribunal. Under Section 20 of the
Administrative Tribunals Act, 1985, an application shall not
ordinarily be entertained by this Tribunal if the depa

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remedies have not been exhausted. We see no reason to make ^M
an exception in this case. Therefore, this application ^{made} ~~may~~
without having approached the authorities first deserves
to be rejected as pre-mature. Needless to say that if the
applicant fails to get his claim accepted by the authorities
he will be at liberty to approach this Tribunal.

4. In view of the above the application is rejected at
the stage of admission itself as being pre-mature.


(T.S. Oberoi)
Member (J)


(P. Srinivasan)
Member (A)