

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
today. Shri G.K. Aggarwal, learned counsel for the applicant
has been heard.

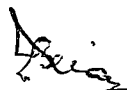
2. In this application, the applicant wants us to direct the respondents to grant him three increments to which he is entitled by virtue of acquiring an Engineering Degree. The applicant relies on a judgement of this Tribunal rendered on 23.11.1987 in Ved Parkash Malhotra Vs. Union of India, T.A. 552/86. 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 depe

P. Srinivasan

remedies have not been exhausted. We see no reason to make ^{made} an exception in this case. Therefore, this application ~~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)