

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1450/89. 198  
T.A. No.

DATE OF DECISION 25.7.1989.

Shri Subhash Chand Applicant (s)

Shri B.S. Mainee, Advocate for the Applicant (s)

Versus

Union of India Respondent (s)

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.Srinivasan, Member (A)

The Hon'ble Mr. T.S. Oberoi, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(delivered by Shri P.Srinivasan, Member).

This application has come up for admission today. Shri B.S. Mainee, counsel for the applicant has been heard. 2. The applicant, who was earlier working as a Pointsman in the then pay scale of Rs. 210-270, was promoted to the higher post of Shuntman, which then carried a pay scale of Rs. 260-400 by an order dated 26.8.1986. We are told by Shri Mainee that the pay-scale of Pointsman has since been raised and is now equal to that of Shuntman. Subsequently, the Deputy Controller of Stores, Shakurbati (respondent No. 2), passed an order dated 12.10.1988, (Annexure A-1) which reads as follows:-

"No. E/89 Shuntman/SSB,

Dated 12.10.1988.

The Sr. D.S. K.P.-I/Despatch/SSB

Supdt. | Bill Section | SSB

Subject: Posting & Transfer.

W.E.F. 01-10-88 FN, Shri Subash Chander  
s/o Shri Ram Chander officiating Shuntman in grade 950-

1500 is reverted as Shuntman at Rs. 905/- p.m. in grade 800-1500.

This has the approval of competent authority.

Sd/- Illegible."

3. Shri Mainee informs us that there is a mistake in this order and that the applicant was actually reverted to his old post of Pointsman. The grievance in this application, is that he has been wrongly reverted and he prays for a direction to the respondents to restore him to the post of Shuntman. Shri Mainee further informs us that in spite of the impugned order of reversion, the applicant continues to carry on the duties of Shuntman after the date of reversion. The applicant thereafter made two representations dated 24.4.1989 and 25.4.1989 praying that he be restored to his old post. These representations are still pending.

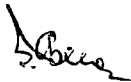
4. Under Section 20 of the Administrative Tribunals Act, 1985 (for short 'the Act'), if a representation made by a Government servant is not disposed of within six months from the date of submission thereof, an application can be filed before this Tribunal within a year thereof under Section 19 of the Act. Moreover, ordinarily, an application will not be entertained by this Tribunal unless all departmental remedies are exhausted. As a narration of facts would show, the applicant made two representations on 24.4.1989 and 25.4.1989, which are pending. Even apart from the provisions of Section 20 of the Act, we are of the view that this application is premature because it has been filed before the departmental authorities could dispose of his claims. We are unable to agree with Shri Mainee that the six months period should be counted from the applicant's reversion. Even apart from that, when the applicant has chosen to approach the departmental authorities with a representation, he should wait for a reasonable time for disposal of his representation


*[Handwritten signature]*

before approaching this Tribunal. We are, therefore, convinced that this application is premature. We, however, hope that the authorities concerned would dispose of the applicant's representations within a reasonable time, in any case, not later than 31st October, 1989.

5. In view of the above, this application is rejected at the admission stage itself as premature, with liberty to the applicant to approach this Tribunal later, if it becomes necessary, in accordance with law.

Copies of this order be sent to the applicant as well as the respondents.

  
(T.S. Oberoi)  
Member (J)

  
(P.Srinivasan)  
Member (A)