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REGN. NO. OA 926/1986.

Shri Raj Kumar ..... Applicant.

Versus

Commissioner of Police ..... Respondents.

**CORAM:**

Shri Kaushal Kumar, Member (AM).

Shri D.Surya Rao, Member (JM).

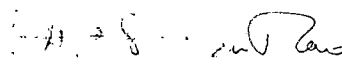
For the applicant . . . . . Shri K.C.Kalra, counsel.


(Judgment of the Bench delivered by Shri  
Kaushal Kumar, Member (AM) )

The applicant who is a Head Constable, 8/DAP,79/E Office of the Dy.Commissioner of Police, 1st Bn. D.A.P. New Police Line, Delhi-9, is aggrieved by his non-inclusion in the promotion List 'D' (Min.)- vide order No.53213/CB-III dated 24.10.1986. It is conceded that the applicant has not filed any appeal or revision against his non-inclusion in the said List. The learned counsel for the applicant has contended that the applicant was earlier also not included in the Promotion List-D(Ministerial) which was issued on 11.11.1985 against which he had made a representation on 15.11.1985, a copy of the said representation has been placed before us today. The said representation only seeks permission to appear before the Commissioner of Police for explaining his personal grievances. It cannot be construed as an appeal or revision. Moreover, the relief claimed in the application is only in respect of the impugned order No.53213 dated 24.10.1986 regarding admission of names to promotion List 'D' (Ministerial). Admittedly, no appeal or revision has been filed in this case. It is not denied that such an appeal or revision <sup>would</sup> lie with the Additional Commissioner of Police and Commissioner of Police respectively. Section 20 (1) of the Administrative Tribunals Act,1985

$$ik - \ln w = j - D \cdot \frac{1}{w} - \frac{2}{w^2} \quad (2)$$

lays down that " a Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances". On this short ground the present application is not maintainable and is accordingly dismissed. This will not preclude the applicant from filing another application if he so desires in accordance with the law and rules on the subject after exhausting the departmental remedies.

  
(D.Surya Rao)  
Member (JM)  
10.11.1986.

  
( Kaushal Kumar )  
Member (AM)  
10.11.1986.