

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1602/87 1987
T.A. No.

DATE OF DECISION 15.4.1988

Shri Chandra Prakash

Petitioner

Applicant in person

Advocate for the Petitioner(s)

Versus

Lt. Governor & Others.

Respondent

Smt. Raj Kumari Chopra

Advocate for the Respondent(s)

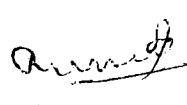
CORAM :

The Hon'ble Mr. P. K. Kartha, Vice-Chairman (Judicial)

The Hon'ble Mr. S. P. Mukerji, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No


(S.P. Mukerji)
Administrative Member


(P.K. Kartha)
Vice-Chairman (Judl.)

Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-1602/87

Date: 15.4.1988.

Shri Chandra Prakash Applicant

Versus

Lt. Governor of Delhi & Ors.... Respondents

For the Applicant The applicant in person

For the Respondents Smt. Raj Kumari Chopra,
Advocate.

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman(Judl.)
Hon'ble Shri S.P. Mukerji, Administrative Member.

(Judgement of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice-Chairman)

The applicant, who has been working as Deputy Commissioner of Police, Anti-Corruption Branch in the Delhi Administration, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying that the impugned transfer orders dated 28.10.1987 issued by the Lt. Governor, Delhi, transferring him from the post of D.C.P., Anti-Corruption Branch, Delhi Administration, Delhi, to the post of D.C.P., Crime Prevention and Special Cell in Delhi Police be quashed/set aside. He has impleaded the Lt. Governor, Delhi Administration, as the first respondent, Shri Ved Marwah, Commissioner of Police, Delhi, as the second respondent, and the Home Secretary, Ministry of Home Affairs, as the third respondent.

2. The applicant has alleged in his application that the impugned order dated 28.10.1987, if given effect to, will place him directly to a post under the command and control of Shri Ved Marwah, Commissioner of Police, Delhi, who is allegedly not well disposed towards the applicant. He had

made known this fact to the authorities concerned by his representation dated 30.7.1986, copy of which has also been annexed to the application. Referring to this representation, it has been stated in ground XII of the application that his request is that he "may not be drafted for duties even of temporary and emergent nature in Delhi Police, Delhi, so long as Shri Ved Marwah was the Commissioner of Police, Delhi and there were strong chances of the latter turning vindictive and harming the applicant any time" in view of the circumstances mentioned in the representation. The applicant has alleged that he has dealt with certain complaints levelled against persons in high positions, including Shri Ved Marwah.

3. Respondents 1 and 2 have filed counter-affidavits. Respondent No.2 has, inter alia, contended in his counter-affidavit that the impugned transfer order was issued by respondent No.1 and that he has no role to play in the matter. Respondent No.1 has, inter alia, contended that the application is barred by jurisdiction as the applicant has not exhausted the departmental remedies available to him. He never represented against the order, dated 28th October, 1987.

4. We heard both the parties on 13.4.1988 when the applicant as well as the learned counsel for the respondents relied upon certain rulings in support of their respective contentions.

5. Section 20(1) of the Administrative Tribunals Act provides 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 ^{for} redressal of grievances. In the present case, the applicant has not exhausted the remedies available to him under the relevant service rules as to the redressal of his grievances. This is clear from para.7 of the application.

OJ

6. We do not consider that there are any circumstances which could justify invoking the jurisdiction vested in us without requiring the applicant to first exhaust the remedy available under the service rules applicable to him. In similar cases, the Tribunal has declined to assume jurisdiction.

7. In the facts and circumstances of the case, the applicant is granted one month's time from today for preferring an appeal before the competent authority under the relevant service rules. The Competent Authority should dispose of the appeal within a period of two months from the date of receipt of appeal. In case the applicant is still aggrieved, he will be at liberty to move the Tribunal for seeking appropriate reliefs in accordance with law.

8. We had issued orders on 21.3.1988 that the applicant should be allowed to take over the post of D.C.P., Anti-Corruption, until further orders. In view of the facts and circumstances mentioned above, we modify the said order to the extent that the respondents shall not issue any order transferring the applicant to any post in the Delhi Police so long as Shri Ved Marwah occupies the post of the Commissioner of Police, Delhi.

9. The application is disposed of on the above lines, with no order as to costs.

S.P. Mukerji
(S.P. Mukerji)
Administrative Member

P.K. Kartha
(P.K. Kartha)
Vice-Chairman (Judl.)