

31.10.1990

Present : Shri R.L. Sethi, counsel for the applicant.

Shri B.K. Aggarwal, counsel for the respondents.

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the respondents to extend the benefits of the judgment dated 5.9.1988 in O.A. 842/88 to the applicant by

(a) relating back applicant's regularisation to the post of Fuel Issuer from 5.6.85 to the date of his initial ad hoc appointment ordered on 8.3.84.

(b) consequent promotion to the post of Senior Clerk ordered from 19.12.89 to 8.1.1987 i.e. the date applicant's junior was promoted, and

(c) to pay all the consequential benefits accruing therefrom.

The learned counsel for the respondents has made a preliminary objection that the applicant did not make a representation as required under the provisions of Section 20 of the Administrative Tribunals Act, 1985 and therefore, the application is pre-mature. Although an averment has been made in the application that the applicant did make a representation on 27.10.89 the same is denied in the counter reply.

In the circumstances, we direct the respondents to consider and dispose of the representation dated 27.10.89 on merits through a speaking order within a period of three months from the date of receipt of this order. The applicant will also be entitled to make a supplementary representation within a fortnight from today to urge any additional grounds in support of the reliefs claimed by him and the same shall also be entertained by the respondents and disposed of as directed above.

The applicant will be at liberty to file a fresh application, if so advised, after his representations stand disposed of by the respondents and he has exhausted the remedies available to him under the service rules.

A copy of this order alongwith a copy of the application and its annexures shall be sent to the respondents.

The application stands disposed of with the above directions.

Decd
31.10.90
(T.S. OBEROI)

MEMBER(J)

KAUSHAL KUMAR
31.10.90
(KAUSHAL KUMAR)
VICE-CHAIRMAN(A)