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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

O.A. No.1588/1990.

DATE OF DECISION: 10.8.1990.

Shri Ashok Kaushik Applicant.

Shri O.P. Gupta Counsel for the Applicant

V/s.

Union of India & Anr. Respondents.

CORAM: Hon'ble Mr. D.K. Agrawal, Member (J).
Hon'ble Mr. P.C. Jain, Member (A).

(Judgement of the Bench delivered
by Hon'ble Mr. P.C. Jain, Member)

JUDGEMENT

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985, assailing the penal dated 18.7.90 in which his name has not been included (Annexure 'A') and has prayed that the Tribunal may hold that the non-inclusion of the name of the applicant in Annexure 'A' is illegal, against Railway Rules, punitive, without notice and enquiry and, as such, against the principles of natural justice, equity and good conscience, malafide, discriminatory and not binding on the applicant, and for a declaration that the applicant is on the panel and entitled to promotion to the post of E.S.M. Grade I and that he should be promoted within the frame-work of 29 posts or else be considered for future vacancies, keeping him on the panel.

2. After perusal of the documents on record and hearing the learned counsel for the applicant, we find that the selection was held for the posts of E.S.M. Grade I in which the applicant also participated. He claims that he was verbally informed that he had qualified in the selection, but in the panel issued on 18.7.90 (Annexure 'A'), his name is not shown.

Ceas

3. Admittedly, the applicant made a representation on 25.7.1990, which has not been disposed of as yet. Thus, the application is premature. It was held by a Central Full Bench of the Administrative Tribunal in O.A. 27/90 (decided on 12.4.90) that no application under Section 19 of the Act should ordinarily be admitted unless the applicant has exhausted the remedies provided in the rules and normally and usually such applications will be rejected or declined as premature. Where, however, the Tribunal exercises its discretion treating the matter to be exceptional or extraordinary, it may entertain the application.

4. There is nothing exceptional or extraordinary in the instant case so as to admit the application without waiting for a period of six months from the date of representation or from the date of orders thereon, whichever is earlier. We are, therefore, of the view that the application is premature and the same is accordingly rejected. The applicant will be free to approach this Tribunal if he is not satisfied with the orders on his representation or if no orders thereon are passed within a period of six months from the date of his representation. The application is accordingly rejected as premature.

P.C. Jain
10.8.90
(P.C. JAIN)
MEMBER(A)

D.K. Agrawal
10.8.90
(D.K. AGRAWAL)
MEMBER (J)

10.8.1990.