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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.831/91

DATE OF DECISION:18.9.91.

SHRI PAWAN KUMAR

...APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

CORAM:

THE HON'BLE MR. B.S. SEKHON, VICE-CHAIRMAN

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT : NONE

FOR THE RESPONDENTS : SHRI R.L. DHAWAN, COUNSEL

O R D E R

Shri Pawan Kumar, the applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs:-

- i) Direct the Respondents NO.2 & 3 to issue a proper Transfer Order to the applicant and transfer his service record to Jullundhar so that he may join his duties at Jullundhar.
- ii) Direct the respondent NO.4 to accept the applicant's joining report and treat him on duty w.e.f. 25.1.91.
- iii) Direct the respondents to give continuity of service to the applicant w.e.f. 25.1.91 and release his salaries and other allowances from the said date.

None is present on behalf of the applicant.

On the last date of hearing also neither the applicant nor his counsel were present. We have, therefore, no alternative but to proceed to judgement on the basis of the arguments addressed by the learned counsel for the respondents and on the basis of the records of the case .

During the course of arguments the learned counsel for the respondents raised a preliminary objection to the effect that the applicant has rushed to the Tribunal without waiting for a decision on his representation dated 6.4.1991. The learned counsel further stated that the representation of the applicant is still pending and that the applicant should have waited for the requisite period of six months. So saying the learned counsel added that the present application is not maintainable. It was also urged by the learned counsel for the respondents that the applicant has not come to the Tribunal with clean hands inasmuch as he has suppressed the factum of having ^{been} discharged from service w.e.f. 25.1.91 vide order dated 4.2.1991 (Annexure R-1). We ^{are} at one with the learned counsel for the respondents that the applicant should have exhausted the remedy and should have come to the Tribunal only after the expiry of period of six months or before the aforesaid period after an adverse order on his representation is made prior to the expiry of the requisite period of six months.

In view of the foregoing, the preliminary objection raised by the learned counsel for the respondents is sustained. Consequently, the instant application is hereby rejected at the admission stage. This order, however, will not preclude the applicant from filing a fresh application if he feels aggrieved by the order made on the representation or after the expiry of the period of six months from the date of filing a representation in case the applicant feels so advised. No costs.

[Signature]
(I.K. RASGOTRA)
MEMBER(A)
18.9.91.

[Signature]
(B.S. SEKHON)
VICE CHAIRMAN
18.9.91.