

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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O.A. NO. 1807/92

DATE OF DECISION : 23.07.1992

Shri Parkash Tahiliani

...Applicant

Vs.

Union of India

...Respondent

CORAM

Hon'ble Shri P.C. Jain, Member (A)

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri G.K. Aggarwal

For the Respondents

...None

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? ☒

*J.P. Sharma*  
(J.P. SHARMA)  
MEMBER (J)

*Cler*  
(P.C. JAIN)  
MEMBER (A)



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For the Applicant

...Shri G.K. Aggarwal

For the Respondent

...None

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant assails the orders dt. 7.4.1992 and 1.7.1992. By the order dt. 7.4.1992, the applicant was given purely temporary appointment as Stenographer Grade 'D' in the pay scale of Rs.1200-2040 on the condition that the appointment is liable to be terminated at any time without assigning any reason. By the order dt. 1.7.1992, his services were terminated with effect from the date of expiry of one month from the date on which the notice is served on him. By the same order he was given appointment on ad hoc basis as L.D.C. in the pay scale of Rs.950-1500. This appointment was also



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subject to the following conditions :-

- i) Production of Certificate of fitness from the competent medical authority, arrangements for which will be made by this Ministry, after joining duty.
- ii) Submission of a declaration in the event of having more than one wife living, the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.
- iii) Taking of an oath of allegiances/faithfulness to the Constitution of India (or making a solemn affirmation to that effect) in the prescribed form.
- iv) Discharge certificate in the prescribed form of previous employment, if any.

Earlier the applicant filed D.A. No.166/87 which was disposed of on 5.7.1991 by the following order :-

"In the result, we find that the application has merit and quash and set aside impugned orders dated 22.12.1986 and 19.8.1986. The applicant be taken back in the post from which he was terminated. The respondents will be at liberty to issue fresh orders of termination giving a notice to the applicant of the ground for such an order.

There shall be no orders as to cost."

2. The applicant has claimed the relief of amending the impugned orders so as to allow him to be in continuous service as L.D.C. ever since 7.1.1980 to 6.4.1986 and Steno Grade 'D' ever since 7.4.1986 and not to give effect to the termination of applicant's services as L.D.C./Steno Grade 'D' as contemplated in Annexures 1 and 2. This application was filed on 14.7.1992.

3. We have heard the learned counsel for the applicant at the admission stage. The present application is hit by Section 20 of the Administrative Tribunals Act, 1985



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as the invocation of the jurisdiction of the Administrative Tribunal is barred unless departmental remedies are exhausted. The contention of the learned counsel that in view of the judgement dt. 5.7.1991 in O.A. No.166/87, he is not required to exhaust the departmental remedies, is not acceptable. If the case of the applicant is covered by that judgement, he is free to enforce the same .

CA 27/90  
The Full Bench decision, CAT Hyderabad, Parmeshwar Rao case decided on 12.4.90 clearly bars the maintainability of such an application.

There is no urgency. The application is dismissed at the admission stage itself.

*J.P. Sharma*  
(J.P. SHARMA)  
MEMBER (J) 23.7.92

*P.C. Jain*  
(P.C. JAIN)  
MEMBER (A) 23/7/92