

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

8

O.A.2445/92

Date of decision:7.4.93

S.S.Hussain

.. Applicant.

versus

Union of India &
others

.. Respondents.

Sh.B.K.Batra

.. For Sh.Romesh Gautam, counsel
for the applicant.

Sh.M.L.Verma

.. Counsel for the respondents..

Coram:

The Hon'ble Sh.N.V.Krishnan, Vice Chairman(A)

The Hon'ble Sh.B.S.Hegde, Member(J)

- 1) Whether Reporters of the local papers may
be allowed to see the judgement? ✓
- 2) Whether to be referred to the Reporters or
not? 7



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J U D G E M E N T (ORAL)

(Hon'ble Sh.N.V.Krishnan, Vice Chairman(A))

This application was filed on 21.9.92 seeking a direction to the respondents No.1 to 3 to appoint the applicant to the post of Despatch Rider w.e.f. the date when an unqualified person i.e. respondent No.4 was appointed and to refix the pay of the applicant accordingly in the higher scale from 8.9.92.

2. The learned counsel for the respondents has filed reply in which it is pointed out that the applicant has made

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a representation in this behalf (Annexure A-9). The representation does not bear any date. However, the index at S.No. 10 states that representation (Annexure A-9) is dated 7.9.92. In the circumstances the learned counsel for the respondents opposes the admission of the application in as much as, sufficient time is not given to the respondents to pass orders on the representation. He, therefore, submits that this application should be dismissed as being premature.


3. We have considered the application. The application is filed on 21.9.92 and the annexure A-9 representation has been filed only about a fortnight earlier, on 7.9.92. The scheme of the Administrative Tribunals Act, 1985 is that if an employee has any grievance, he has to ordinarily extend the alternative remedies. It is also open to him to make a representation even if there is no provision in the service rules for this purpose. If such a representation is filed, the respondents i.e. Government, are expected to dispose it of as early as possible. The Act provides six months as the maximum time for this purpose. If it is not disposed of within this period, it should be presumed that the employee has exhausted his alternative remedy and he is at liberty to approach the Tribunal. There is also a provision which states that if an application is admitted by the Tribunal, any such representation that is pending will abate.

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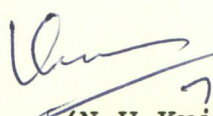
4. We are satisfied that this applicant has approached the Tribunal without giving a reasonable time to the respondents to look into his representation and dispose it of in accordance with law. We are, therefore, of the view that this application should be disposed of at the admission stage with only a direction to the respondents to dispose of the annexure A-9 representation as early as possible and at any rate, within three months from the date of receipt of a copy of this order.

5. We also make it clear that in case the applicant is aggrieved by any final order that may be passed by the respondents, it is open to him to seek such remedy as advised.

6. The O.A. accordingly disposed of with no order as to costs.


(B.S.Hegde)

Member (J)

 7.4.93
(N.V.Krishnan)

Vice Chairman(A)