

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

O.A.NO. 1066/92

DATE OF DECISION: 01.05.1992.

(2)

SHRI R.B. GUPTA

APPLICANT

.....

VERSUS

UNION OF INDIA

RESPONDENTS

.....

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A)

FOR THE APPLICANT : SH. S.C. LUTHRA, COUNSEL

FOR THE RESPONDENTS : SH. P.H. RAMCHANDANI, SR.COUNSEL

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

JUDGEMENT (ORAL)  
(delivered by Hon'ble Mr. T.S. Oberoi, Member(J)).

Heard the learned counsel for both the parties.

In pursuance of the notice on admission as well as on interim relief given to the respondents vide order dated 21.4.1992, arguments on both these aspects heard, on behalf of both the parties.

The learned Senior Counsel for the respondents stated that in pursuance of Respondents' order dated 1.4.1992 (Annexure A-1 to the OA), the applicant had made a representation to the respondents on 10.4.1992, forwarded vide Annexure A-9 to the OA, and thus, it is too early for the applicant to have come to this Tribunal to seek relief in the present O.A. and that he should have waited for the requisite period as provided

in Section 20 of the Administrative Tribunals  
Act, 1985.

The learned counsel for the applicant, on the other hand, while replying to the above submissions, stated that the provisions in Section 20, referred to by the learned Senior Counsel for the respondents incorporated the term 'ordinarily', in the context of the said provision, which, in the present circumstances, because of the likely filling up of all the three posts by the respondents' department, the applicant shall be 'irreparably' suffering, and, therefore, this Tribunal may give appropriate directions to the respondents, to meet this aspect. The learned Senior Counsel for the respondents persists in his earlier objection, submitting that Hon'ble Supreme Court's directions in Kapila's case (copy at Annexure A-5 to the OA) protect, applicant's interests, with all benefits, w.e.f. 1.10.1990, in the event of his succeeding in the OA, and, therefore, the apprehensions expressed by the learned counsel for the applicant, in this regard, are unfound.

We have carefully considered the rival contentions, as briefly discussed above. In the face of the explanation given by the learned Sr.Counsel for the respondents, we feel that the present application is pre-mature and direct the respondents to look into the applicant's representation (Annexure A-9) within a period of two months from the date of receipt of a copy of this order, in the light of the representation made by him and also the points taken up by him in the present OA, and take an appropriate decision, thereon. In the event

of the applicant still feeling aggrieved, he shall be at liberty to approach this Tribunal, in accordance with the Law and if so advised.

O.A. is disposed of on the above lines, with no order as to costs.

*B.N.Dhundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER(A)

*T.S. Oberoi*  
(T.S. OBEROI)  
MEMBER(J)

(X)