

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

(2)

Date of Decision: 8.5.92

OA 1200/92

MANOHAR DUTT

... APPLICANT.

Versus

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

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

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

For the Applicant

... Shri P.L. Mimroth,
Counsel.

For the Respondents

... None.

1. Whether Reporters of local papers may be
allowed to see the judgement ?

2. To be referred to the Reporters or not ?

JUDGEMENT

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

The applicant is working as Porter (Khallasi)
under the Superintendent (C & W), Northern Railway,
Tughlakabad, and sought for redress of the grievance
of non-issue of formal order of regularisation of the
applicant who has already been screened and working
as a regular employee. However, as mentioned in para-1
of the application, ^{there} is a challenge to the order dated
16.3.92 which is on the subject of regularisation of

...2.

Railway Quarter No.14/11, Railway Colony, Sarojni Nagar, New Delhi informing the applicant that the said quarter cannot be regularised because he is an unscreened employee and the period ^{is} less than six months. The applicant in this application has claimed the relief of the direction to the respondents to formally regularise the applicant as he had already undergone screening test. And the applicant be allowed consequential benefits.

2. It appears that the applicant stated in para-6 of the application that he has availed of all the remedies available to him under the relevant service rules. But the applicant has not made any representation to the respondents with regard to his regularisation. What the applicant has prayed for is that according to service rules he has obtained a temporary status and has worked as Substitute Khallasi and in such event he has to make a proper representation as envisaged under Indian Railway Establishment Manual. The law on the point has been specifically laid down in the Full Bench Decision of CAT Hyderabad Bench in B.Parmeshwara Rao Vs. Divisional Engineer Tele-communications, OA 27/90 decided on 12.4.90, where it is held that in the event a person is aggrieved by an order he must have filed an Appeal/Representation etc. and wait for its disposal for six months. Then only he can come to the Tribunal

...3.

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otherwise the application will be premature.

3. In view of the above provision of law, the present application is barred by Section 20 of the Administrative Tribunals Act, 1985 and is disposed of as premature and dismissed on the admission stage.

B.N. D. Houndiyal
(B.N.D HOUNDIYAL) 8/5/92
MEMBER (A)

J.P. Sharma
(J.P. SHARMA) 8/5/92
MEMBER (J)