

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.No. 1795/93

Decided on: 15.10.93.

Jaya Nand

...Applicant

Versus

Union of India & Ors.

...Respondents

CORAM: HON'BLE MR. J.P.SHARMA, MEMBER(J).
HON'BLE MR. B.K.SINGH, MEMBER(A).

For the applicant

...Shri M.L.Sharma, Counsel

For the respondents

...Shri R.L.Dhawan, Counsel

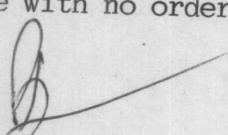
JUDGMENT (ORAL)

(HON'BLE MR. J.P.SHARMA):

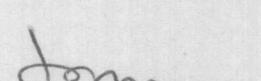
The applicant is stated to have worked for more than 2 years and in any case for more than 120 days continuously without break. It is argued by the learned counsel for the applicant that the applicant temporary status. The termination order also goes to show that he was a Khalasi in the regular pay scale of Rs.750-940. His services have been terminated by the order dated 18.8.93 with effect from that date. The applicant has filed this application for the grant of the relief to quash the impugned order of termination being void as the applicant has not pursued according to the departmental rules after he has acquired temporary status. A notice was issued to the respondents and Shri R.L.Dhawan appears for the respondents and stated on the basis of the comments received from the department that the applicant Jaya Nand has also preferred an appeal against the aforesaid order of termination dated 18.8.93. It is further stated by the learned counsel for the respondents that the said appeal is under active

consideration of the respondents. The learned counsel for the applicant argued that no statutory appeal is provided against this order of termination. Be that as it may, since the applicant has filed an appeal/representation to the respondents and that is under consideration and the present application has been filed on 1.9.93 without awaiting the result of the aforesaid appeal/representation, in these circumstances, the application is barred by Section 20 of the Administrative Tribunals Act, 1985.

2. In view of the above facts and circumstances, when the matter is already with the administration for consideration, the applicant cannot resort to miscellaneous proceedings one administratively and the other for judicial review of the impugned order. The application, therefore, is premature and is dismissed as such with the liberty to the applicant to assail the final result of his appeal/representation and the respondents are directed to dispose of the said appeal/representation within a period of four weeks from today. The communication of this order to the learned counsel for the respondents Shri R.L.Dhawan shall be deemed communication to the respondents who will inform the respondents. The Original Application is disposed of as above with no order as to costs.


(B.K.SINGH)
MEMBER (A)

pkk.


(J.P.SHARMA)
MEMBER(J)