

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

DA.310/93

Date of Decision: 27.4.93

Shri Sukhe and others      Applicants

Versus

Union of India & Ors.      Respondents

Shri Ashok Aggarwal      Counsel for the applicant

Shri J.C. Madhan, Proxy  
counsel for the learned  
counsel for the  
respondents Shri P.H.  
Ramchandani

...      Counsel for the respondents.

CORAM:

The Hon. Mr. N.V. Krishnan, Vice Chairman(A)  
The Hon. Mr. C.J. Roy, Member(J)

JUDGEMENT (Oral)  
(delivered by Hon. Vice Chairman(J)  
Shri N.V. KRISHNAN)

The applicants who are Assistant Operators working  
presently under 3rd respondents, Superintending Engineer,  
Delhi Central Electrical Circle(Coordination) CPWD, New Delhi.  
Their grievance is that instead of considering their promotion  
in accordance with the Rules, the respondents are considering  
the case of daily rated Operators for regular appointment. In  
the circumstances, this application has been filed seeking the  
following reliefs:-

"(a) The impugned contemplated action of the respondents  
in making regular appointment of daily rated Operators  
in the posts of Operator (E&M) carrying pay scale of  
Rs.950-1400 without considering claims of the applicants  
for promotion to the post of Operator (E&M) as per the  
recruitment rules (Annexure 'A') for the post of  
Operator is illegal, invalid, unconstitutional and  
without jurisdiction.

(b) The respondents be directed to consider the cases  
of the applicants for promotion to the post of Operator  
(E&M) in the pay scale of Rs.950-1400 as per the  
recruitment rules (Annexure-A).

2. Notice was issued to the respondents, who have filed the  
reply, in which, a preliminary objection has been raised that the  
applicants have not exhausted the departmental remedies before  
filing this DA.

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3. We have heard the learned counsel for the parties.
4. Considering the nature of the grievances, we are of the view that primarily, the applicants ought to have made a representation to the competent authority and approached this Tribunal thereafter. In the circumstances we feel that the respondents should be given an opportunity to consider the case of the applicants before we adjudicate in the matter.
5. Therefore, with the consent of the ~~authorities~~<sup>the parties</sup>, we dispose of the application with the direction to the respondents to treat this OA as a representation made by the applicants and dispose it of in accordance with the law within a period of 2 months from the date of receipt of this order, with an intimation to the applicants.
6. The OA is disposed of accordingly.

*✓*  
(C.J. ROY)  
MEMBER(J)  
27.4.93

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*✓*  
(N.V. KRISHNAN) 27.4.93  
VICE CHAIRMAN(A)  
27.4.93