

(3)

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 OA.

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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 ^{the parties} ~~authorities~~, 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.

[Signature]
(C.J. ROY)
MEMBER(J)
27.4.93

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[Signature]
(N.V. KRISHNAN)
VICE CHAIRMAN(A)
27.4.93

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