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Central Administrative Tribunal, Allahabad.

Registration U.A.No. 184 of 1986.

Jayanti Prasad Pandey Applicant

Vs.

Union of India Respondent.

Hon. Ajay Johri, AM
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

This petition under section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) was filed by the petitioner on 6.5.1986 challenging his order of reversion dated 29.1.1986. He had not exhausted his departmental remedy and in para 9 of the petition, it was mentioned that it was not necessary. Since then the petitioner has been taking time after time for hearing on admission. The arguments could be heard only today and it was contended on behalf of the petitioner that he has filed the appeal against the impugned order and he wants time to file supplementary affidavit. It was also contended that 2 similar petitions were admitted by the Patna Bench of the Central Administrative Tribunal and he may be allowed time to prove this fact so that on the ground of parity, this petition be also admitted. The learned counsel informed us that the departmental appeal was filed by the petitioner after the filing of this petition before the Tribunal and

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the same is still pending. The petitioner thus seems to be interested that six months, if they have already ~~not~~ been elapsed, may pass so that the petitioner may say that he has exhausted the departmental remedy. In our view, this practice should not be encouraged by us. The petitioner had enough time to obtain the copies of the other two relevant petitions alleged to have been admitted by the Patna Bench of this Tribunal and to file them in the meantime. The matter is pending before us for admission for more than 7 months and we do not think it desirable to grant any further indulgence to the petitioner. It is now an admitted fact that before coming to the Tribunal the petitioner did not exhaust departmental remedy, as such, his petition is premature. In view of Section 20(1) of the Act, this petition cannot be admitted. We further feel that the appeal alleged to have been filed by the petitioner after filing of the present petition against an order dated 29.1.1986 could hardly be in time. The petitioner, *prima-facie* may challenge his order of reversion by filing a petition under section 19 of the Act before the Tribunal but this is permissible only in accordance with law and rules. The petitioner, has failed to comply with the provisions of Section 20 of the Act and his petition is summarily dismissed.

BBP/JBS
Member (A)

Indarwala
19.12.86
Member (J)

Dated 19.12.1986
kkb