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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Review Application no.25 of 1987

IN

ORIGINAL APPLICATION NO.757/87

V.K.Pandey

applicant.

Vs.

Union of India and others.

Respondents.

Hon'ble D.S.Misra, A.M.

Hon'ble G.S.Sharma, J.M.

(Delivered by Hon'ble D.S.Misra)

This is review application under Section 22(B) of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) against the order dated 26/8/87 dismissing the application at the admission stage.

2. We have heard learned counsel for the applicant. Learned counsel for the applicant contended that it is the right available to the aggrieved government servant to approach the tribunal without exhausting the departmental remedy of appeal available to him. ~~WHICH WAS NOT AVAILABLE TO HIM~~ ^{He} He also contends that he does not expect any relief from the appellate authority as the respondents have been acting maliciously and the impugned order being arbitrary and despotic is against the spirit of service jurisprudence. Learned counsel cited the judgment of the Principal Bench of this tribunal in Original Application no.419 of 1986 (Sri Charan Singh Vs. Union of India and others) published in A.T., R.1986(2)CAT, 643. In this case it has been held that the tribunal has the inherent power to entertain application without the applicant having exhausted the departmental remedies available to him and the exercise of this power by the tribunal will depend upon the facts and

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circumstances of the case. In our opinion sub section(1) of Section 20 of the A.T.Act clearly stipulates that the tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. In the present case the contention of the applicant is that it is his right that his application under Section 19 of the A.T.Act be entertained and heard by this tribunal. We are unable to accept this contention of the applicant in view of the very clear provisions of sub section(1) of Section 20 of the A.T.Act. The applicant has failed to indicate any special circumstance ^{for} treating it as a special case for ignoring ~~the~~ ^{be} compliance with sub section(1) of Section 20 of the Act. We are also of the opinion that the apprehension of the applicant that he will not get relief from the appellate authority is misconceived and without any basis.

For the reasons mentioned above, we are of the opinion that there is no merit in the review application and the same is rejected.

[Signature]
A.M. 24.9.87

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J.M. 24/9/87

JS/24.9.87