

Reserved

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 8th day of January 1996
Original Application No.1256 of 1995

District : Bareilly

QUORUM:-

Hon'ble Mr. T.L. Verma, J.M.

Hon'ble Mr. D.S. Baweja, A.M.

Dr. K.M. Tewari

Son of Late Shri S.C.M.Tewari

Resident of Spring Dale School Lane,
Subhash Nagar, Bareilly.

(By Sri R.R. Shukla, Advocate)

..... Applicant

Versus

1. The General Manager,

Northern Railway,
Baroda House, New Delhi.

2. The Chairman, Railway Board,
Rail Bhawan, New Delhi.

3. The Divisional Railway Manager,
Northern Railway, Moradabad.

(By

..... Respondents

ORDER

By Hon'ble Mr. T.L. Verma, J.M.

This application has been filed under Section 19
of the Administrative Tribunals Act, 1985 for issuing a
direction to the respondents to promote teachers at
Higher Secondary School, Bareilly to the post of Principal

on the basis of the Divisional Seniority or prepare a combined seniority of High Schools Teacher's of Bareilly and Rewari High School and promote them from the said combined seniority list to the post of Principal of the High Schools.

2. A similar application with similar reliefs, which was numbered as OA No.1233/1994, was filed by the applicant earlier. The said OA was disposed of by the order dated 28-9-1994 with a direction to the responuents to dispose of the representation of the applicant dated 3-3-1993 with reasoned and speaking orders. The said representation had been decided and communicated to the applicant by letter dated 4-10-1995.

3. Recruitment of teachers and the working staff and their promotion is regulated by the Indian Railways, Degree College, Intermediate College, Higher Secondary School, Higher Secondary Multipurpose School and High School (Group 'A' and Group 'B') Recruitment Rules, 1979, framed by the President under Article 309 of the Constitution of India. The applicant could have had a cause of action for tiling this application under Section 19 of the Administrative Tribunals Act, 1985 had he been aggrieved by an order pertaining to any matter relating to his service.

4. We have perused the application and we find that there is absolutely no averments made in the OA to the effect that the respondents have denied to the applicant a right which had accrued to him under the aforesaid rules. The averments in the application are in the nature of public interest litigation. In our opinion, Section 19 of the Administrative Tribunals Act, 1985

does not provide Administrative Tribunals as a forum for public interest litigation. The learned counsel for the applicant has failed to show by bringing that the applicant is a person aggrieved within the meaning of Section 19 of the Administrative Tribunals Act.

5. In view of the above, we find that the applicant has no cause of action for filing this application and the same, therefore, deserves to be dismissed at the admission stage itself as being not maintainable.

Sd. — — — Sd.

Member (A)

Member (J)

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Practiced on
29.1.96