

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.234 OF 2002

ALLAHABAD THIS THE 16th DAY OF FEBRUARY 2009

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J
HON'BLE MR. S. N. SHUKLA, MEMBER-A

1. Prithvi Pal S/O Late Shri Bhothi Ram (Instructor),
O/o D.C.(H), R.C.S. Asha pur Sarnath, Varanasi.
2. Ram Dular S/o Shri Sarju Prasad (Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
3. Ram Garib S/o Shri Ram Niranjan (Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
4. Sakha Ram S/o Akgu Ram (Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
5. Chote Lal S/o Shri Bnawari Ram (Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
6. Mewa Lal S/o Shri Mahiwal (Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
7. Jagnoo Ram S/o Shri Ram Kishun (Instructor)
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
8. Basant Singh S/o Shri Beni Bhadur Singh
(Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
9. Silwanta S/o Shri Dev Saran (Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
10. Jangali Ram S/o Shri Ram Gulam (Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
11. Baijnath S/o Shri Ram Kishore Mishra
(Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
12. Hira Lal Maurya S/o Shri Ram Naresh Maurya
(Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
13. Ram Jeet Maurya S/o Shri Baijnath Maurya
(Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
14. Kailash Nath Maurya S/o Shri Moti Lal Maurya
(Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.

W.

15. Raj Pati Maurya S/o Shri Jamuna Prasad Maurya (Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
16. Hasan Ullah Khan S/o Shri Najeer Ullah Khan (Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
17. Ram Dev Maurya S/o Shri Ram Nath Maurya (Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
18. Mewa Lal S/o Shri Maga Ram (Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
19. Jokhai S/o Shri Pramod (Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
20. Chaturbhawan Mishra S/o Shri Jamuna Prasad Mishra (Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
21. Shyam Raj S/o Shri Bali Karan (Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
22. Raj Kumar Bind S/o Shri Ram Lakan Bind (Instructor),
O/o-D.C. (H) R.C.S. Lakhraj Pur, Allahabad.
23. Tulsi Ram Bind S/o Shri Baba Bind (Instructor),
O/o-D.C. (H) C.W.T.C. Bhadar Pur Kat, Haridwar.
24. Pramod Kumar Bind S/o Shri Bhola Nath Bind (Instructor),
O/o-D.C. (H) R.C.S. Lahraj Pur, Allahabad.
25. Shri Ram Yadav S/o Shri B. Yadav (Instructor),
O/o-D.C. (H) R.C.S. Lakhraj Pur, Allahabad.
26. Durga Prasad S/o Shri Mata Saran (Instructor),
O/o-D.C. (H) C.S.U. Aurai, Bhodhi.
27. Hari Shankar S/o Shri Udal (Asst. Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
28. Ram Pyare S/o Shri Mata Prasad (Asst. Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
29. Prabhu Nath Pal S/o Shri Ram Charan Pal (Asst. Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
30. Krishna Murari Chaurasiya S/o Amar Nath Chaurasiya (Asst. Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.
31. Ram Sajeevan S/o Shri Baiju Ram (Asst. Instructor),
O/o-D.C. (H) R.C.S. Asha pur Sarnath, Varanasi.

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32. Achrju Yadav S/o Shri Ram Pudi Yadav (Asst. Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
33. Ram Raj Maurya S/o Shri Jharihar Maurya (Asst. Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
34. Bilgu Pal S/o Shri Prawan Pal (Asst. Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
35. Lalji S/o Shri Ram Lakan (Asst. Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
36. Hira Lal S/o Shri Bhaggad (Asst. Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
37. Ram Bali Prasad S/o Shri Sohan Prasad (Asst. Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
38. Bharat S/o Shri Baiju Ram (Asst. Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
39. Nanhu Ram Yadav S/o Shri Jallu Ram Yadav (Asst. Instructor),
O/o-D.C.(H) R.C.S. Asha pur Sarnath, Varanasi.
40. Nand Lal S/o Shri Bhothi Chauhan (Asst. Instructor),
O/o-D.C.(H) R.C.S. Lakhraj Pur, Allahabad.
41. Avadh Narain Upadhyay S/o Shri Amar Nath Upadhyay (Asst. Instructor),
O/o-D.C.(H) R.C.S. Lakhraj Pur, Allahabad.
42. Ram Jokhan Bind S/o Shri Ram Narayan Bind (Asst. Instructor),
O/o-D.C.(H) R.C.S. Lakhraj Pur, Allahabad.
43. Ram Das Vishwakarma S/o Shri Vishwanath Vishwakarma (Asst. Instructor),
O/o-D.C.(H) C.S.U. Aurai Bhodhi.
44. Awadh Narayan S/o Shri Devi Prasad Yadav (Asst. Instructor),
O/o-D.C.(H) R.C.S. Lakhraj Pur, Allahabad.
45. Pardeshi S/o Shri Shri Nath (Asst. Instructor),
O/o-D.C.(H) R.C.S. Lakhraj Pur, Allahabad.

..... .Applicants

By Advocate: Shri B.N. Chaturvedi

Versus

1. Union of India through Secretary Textiles,
Govt. of India.

2. Development Commissioner (Handicraft)
O/c D.C. (Handicrafts) West Block No.7,
R.K. Puram, New Delhi.
3. Addl. Development Commissioner,
O/o Development Commission (H) West Block No.7,
R.K. Puram, New Delhi.
4. Regional Director (Central Region),
O/o D.C. (H) B46 Mahanagar Extension Lucknow.
5. Asst. Director (A&C),
O/o D.C. (H) Service Centre Sigra Varanasi.
6. Asst. Director (A&C),
O/o D.C. (H) Service Centre, Allahabad.
7. Secretary,
Department of Personal and Training,
New Delhi.
8. Director, Surplus Cell,
Khan Market, Loknayak Bhawan, New Delhi.

..... Respondents

By Advocate: Shri S. N. Chatterji

O R D E R

DELIVERED BY JUSTICE A. K. YOG, MEMBER-J

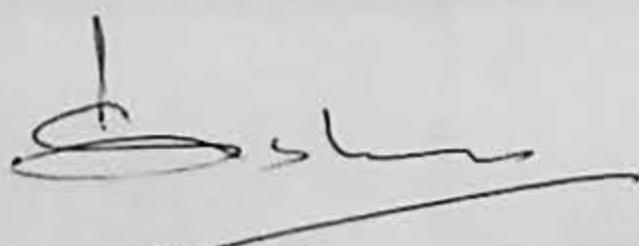
1. Heard Shri B.N. Chaturvedi, learned counsel for the applicant and Shri S.N. Chatterji, Additional Central Government Standing Counsel-UOI. Perused the pleadings and the documents annexed therewith.
2. All the applicants (45 in number) have filed above noted single OA praying for issuing a writ, order or direction to redeploy, the applicants in their matching pay scale.
3. According to the applicant they had filed representation dated 15.10.2001/Annexure-11 (compilation II) for redressal of their grievance in this respect before Development Commissioner

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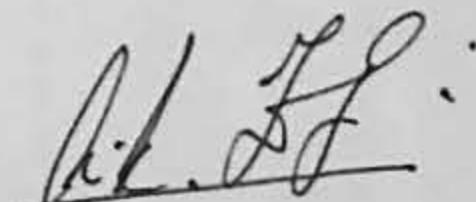
satisfied with to decision, then alone aggrieved person should be allowed to approach Court/Tribunal.

5. In view of the above, I direct the applicant to file a certified copy of this order along with copy of Additional representation, if any, with six weeks from today before respondent no.2/Development Commissioner (Handicraft) West Block No.7, R.K. Puram, New Delhi who is directed to decide said representation, provided representation is filed as stipulated/contemplated above, within three months of receipt of representation (referred to above) by passing reasoned/speaking order in accordance with law exercising unfettered discretion. Decision taken shall be communicated to the applicant.

6. OA stands disposed of subject to directions/observations made above. No costs.



Member-A



Member-J

/ns/

(Handicraft), New Delhi. According to the applicant said representation of the applicants has not been decided and the applicant has not been informed of the action taken on the said representation (Annexure-11).

4. In this context applicants refers to para 4.14 which reads:-

"That the applicants preferred a representation dated 15.10.2001 before the respondents but nothing was done till today. A true copy of the representation dated 15.10.2001 is enclosed herewith as Annexure No.11 to this OA".

Respondents have replied aforesaid quoted para 4.14 vide para 11 of the counter affidavit which reads:-

"That the contents of paragraph 4.14 of the application are incorrect. The applicants were informed that they are not entitled for relief as per guidelines. There is no application of applicant pending before the respondents".

Aforesaid quoted para 11 of the counter affidavit has been sworn on the basis of 'personal knowledge' by the Deponent (Viz. Bhupendra Singh, the then Assistant Director). Apparently, contents of para 11 could not be sworn on personal knowledge. In any case the respondents have not disclosed the date of alleged information of date of order nor filed copy of order allegedly deciding the representation in question.

5. It is well settled that 'aggrieved person' should be required to approach concerned authority for redressal of his grievance and in case, he is not

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