

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD

(THIS THE 22<sup>TH</sup> DAY OF MAY 2009)

PRESENT

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

ORIGINAL APPLICATION NO. 338 OF 2002.  
(Under Section 19, Administrative Tribunal Act, 1985)

Bidesh Sing Chauhan, S/o late Jagannath Singh aged about 46 years R/o Gopalganj P.O. Izzatnagar, Bareilly working as Security Supervisor in IVRI Izzatnagar, Bareilly.

.....Applicant

By Advocate: Shri K.P. Singh

Versus.

1. Union of India through Secretary, Ministry of Agricultural, New Delhi.
2. Secretary, Indian Council of Agricultural Research, New Delhi.
3. Director, IVRI Izzatnagar, Bareilly.
4. Chief Administrative Officer, IVRI, Bareilly.

.....Respondents

By Advocate: Shri B.B. Sirohi

O R D E R

DELIVERED BY JUSTICE A.K. YOG, MEMBER (JUDICIAL)

Heard learned counsel for the parties. Perused the pleadings and documents on record.

(u)

2. Applicant has filed present O.A. claiming with following relief(s):-

"8. Relief Sought for:

*In view of the facts mentioned in paragraph 4 above, the applicant prays for the following reliefs:*

- (A) *To issue writ, order or direction in the nature of mandamus commanding the respondents to appoint the applicant on the post of Security Supervisor in the pay scale of Rs. 4500-7000.*
- (B) *To issue writ, order or direction in the nature of mandamus commanding the respondents to pay the difference of salary to the applicant, as per equal pay for equal work right from dated 24/25.9.1997 from when applicant was placed on the post of Security Supervisor entrusted with higher responsibility.*
- (C) *To issue any order or direction which this Hon'ble Tribunal may deem fit and proper under the Circumstances of the case.*
- (D) *To award cost to the applicant".*

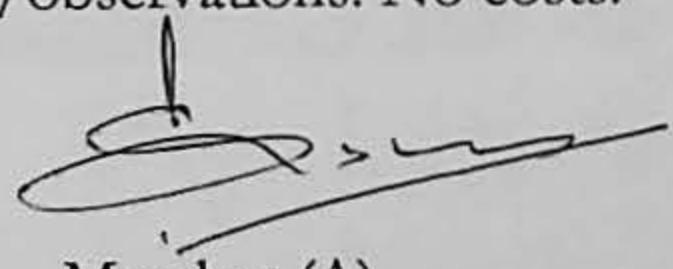
3. There is nothing to show in the pleadings contained in the original application that applicant had ever approached the respondents authorities for redressal of his grievance. No writ/direction in the nature of mandamus can be issued unless aggrieved person has approached the Concerned Authority. It is only after concerned authority ~~has~~ <sup>has</sup> already refused to consider the grievance and finally rejected the claim, a person can be sought to be aggrieved justifying to approach Tribunals/Courts.

*Am*

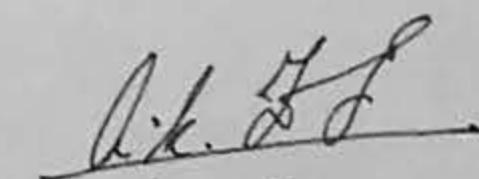
4. In view of the above, we find that the applicant rushed to this Tribunal out of over-anxiety, prematurely. The applicant should first approach Concerned Authority for redressal of his grievance and only when he fails, he may seek redressal from appropriate forum in law.

5. In view of the above, O.A. is dismissed without entering into the 'merits' of the case and further making it clear that in case the applicant approaches concerned respondents authorities and submits his grievance by filing representation the same shall be considered/decided within 3 months of receipt of a certified copy of this order.

6. O.A. stands disposed of subject to the above directions/observations. No costs.

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Member (A)

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Member (J)

Manish/-