

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. REVIEW APPLICATION NO.108 OF 2003

IN

ORIGINAL APPLICATION NO.1091 OF 2003

ALLAHABAD THIS THE 14TH DAY OF MAY, 2004

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-A

HON'BLE MR. A. B. BHATNAGAR, MEMBER-J

1. Institute Joint Staff Council ,
through its Secretary (Staff Side),
Rajendra Kumar, IGRI,
- 2- Rajendra Kumar,
Presently working as Senior Clerk in IGRI, Jhansi.

.....Applicant

(By Advocate Sri R.K. Nigam)

Versus

1. Union of India,
through Ministry of Agriculture,
Government of India,
Krishi Bhawan, New Delhi.
2. Secretary, Government of India,
Department of Personal and Training,
New Delhi.
3. Secretary, Indian Council for Agriculture Research,
Krishi Bhawan, New Delhi.
4. Director, IGRI, Gwalior Road Jhansi (U.P.)
5. Dr. P.S. Pathak, Director, IGRI, Gwalior Road,
Jhansi, (U.P.)

.....Respondents

(By Advocate Shri B.B. Sirohi)

O R D E R


HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

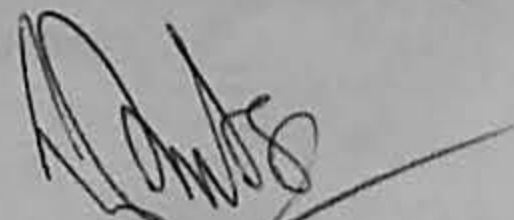
Shri B.B. Sirohi, learned counsel for the review applicant submitted that in view of the Rule 27 and 28 of the IJSC Scheme this Tribunal has no jurisdiction to entertain the O.A. directly without exhausting the alternative forum prescribed by the scheme, therefore, the order dated 16.09.2003 passed by this Tribunal is without jurisdiction and without application of judicial mind and is liable to be set aside.

2. We are constrained to point out that plea of the learned counsel for the review applicant that the order dated 16.09.2003 has been issued by us without application of judicial mind is contemptuous. However, on the regret shown and apology tendered by the counsel for the review applicant we ignore this aspect.

3. Another argument of the learned counsel for the review applicant is that this court has no jurisdiction to entertain the O.A. directly without exhausting the alternative forum prescribed by the IJSC Scheme. We don't have to reiterate the fact that this court has full jurisdiction in respect of any grievance raised against the respondents. It is open for the court to examine whether the particular O.A. is maintainable or not. Keeping this in view we directed the applicants to approach the competent authority vide order dated 16.09.2003 sought to be reviewed by filing representation, which is an **alternative** remedy available to them.

4. We have perused our order and we find that there is no error apparent on record and, there is no good ground calling for interference. The review application is rejected


Member-J


Member-A