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04.5.20196

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For admission

Fatra Bench
7/1/02

17. 08.02.02.

At request matter is
adjourned to 26.02.02

Y Yalee
Y SP/002
Member (J)

For admission

Fatra Bench
11/1/02

For admission

Fatra Bench
18/1

For admission
and hearing.

on memo.

Bench

MP
7/2/02

For admission

Fatra Bench
20/2

For admission

Fatra Bench
25/2

18. 26.02.02.

This matter has been wrongly
listed to-day.

adjourned to 26.02.02 to which date
matter already stands posted.

Y Member (A)

Y Member (J)

Order Dtd.26.02.2002.

Heard Shri B.S.Tripathy, the Learned Counsel
for the Applicant and Mr.A.K.Bose, the Learned
Senior Standing Counsel for the Respondents.

The case of the Applicant is that he was
reinstated in service by order dtd.23.6.1994 rendered
in an earlier Original Application No.641 of 1993.
The consequential order dated 15.7.1994 reinstating
the Applicant in service is at Annexure-2 and the
Applicant is now continuing as Extra Departmental
Branch Post Master pursuant to the said orders.

In the present Original Application, the Applicant
has prayed for a direction to the Respondents to
pay him back wages with interest for the period
commencing from 16.1.1985 to 12.8.1994. As it appears

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OA. 520/96

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NOTES OF THE REGISTRY

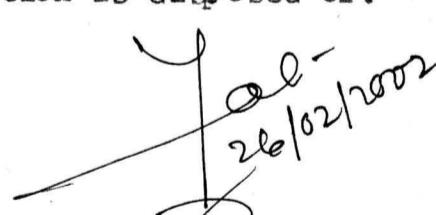
ORDERS OF THE TRIBUNAL

he has not approached the authorities for such relief.

Mere existence of right does not give rises to a cause of action to approach a Court/Tribunal, without availaing the departmental remedy under the relevant service Rules. One must approach the authorities for redressal of the grievances, before approaching the Court/Tribunal and in the event such prayer is not being allowed or neglected to be redressed by the authorities concerned, the same may give rise to a cause of action.

As the applicant, in the instant case, has not availed of the departmental remedy, he is directed to put forth his grievances, if any, within before competent authority, a period of 15 days from today and the Chief Postmaster General (Respondent No.1) is directed to dispose of said representation (to be filed by the applicant as aforesaid) within a period of three months thereafter and communicate the decision to be taken therein, to the Applicant.

With the above observation and direction, this Original Application is disposed of.
No Costs.



Member (J)

M(5)
26/02/2002