

FINAL ORDER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
CUTTACK BENCH : CUTTACK.

O.A. No. 260/00202 /2016.

Order dt. 25-04-2016.

Tara Prasad Barik, aged about 38 years,

S/o. Dhuli Barik, At: Udayagiri, PO: Sundarpur,

Dist: Khorda, presently working as

TPM-'A' under SS/BSDP.

Applicant.

-Versus-

1. Union of India
Represented through General Manager,
East Coast Railways, Bhubaneswar, Dist.: Khurda.
2. Divisional Railway Manager(P),
East Coast Railways, Khurda Road, Dist.: Khurda.
3. Senior Divisional Personnel Officer,
East Coast Railways, Khurda Road, Dist.: Khurda.
4. Jr. Scientific Officer (Psyco),
Office of Chief Transportation Planning Manager,
SE Railways, Garden Reach Kolkata-700043.
5. D. Surya Kanta Rao, STM-II, BBS,
E.Co.Railways, Bhubaneswar, Dist.: Khurda.
6. Tofan Kumar Behra, Jr.TNC, PRDP,
E.Co.Railways, At/PO: Paradip,
Dist.: Jagatsinghpur.

Respondents.

[Signature]
At.

[Signature]

Tara Prasad Barik 4/4/16

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. B. S. Tripathy-I, Ld. Counsel appearing for the applicant, and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways, on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:

“ (i) Quash the Impugned selection pertaining to Aptitude test and consequential result communicated through Letter/order No. 2016 dt. 14.01.2016 under Annexure-6 with a direction to the respondent No. 2 hold selection Aptitude Test afresh by any other independent Agency and

(ii) Pass such other order(s) as would be deemed fit and proper in the facts and circumstances of the case.....”

3. While going through the record, we find that the applicant has approached this Tribunal without exhausting the departmental remedy available to him, i.e. without making any representation before the competent authority. Section 20 of the Administrative Tribunals Act, 1985 (for short “the Act”), which have bearing on the issue of limitation read as under:

“20. Application not to be admitted unless other remedies exhausted -

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, -

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting

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any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

4. When the aforesaid fact was brought to the notice of Mr. Tripathy-I, Ld. Counsel for the applicant, he prayed for leave of this Tribunal to make an exhaustive representation before the Competent Authority within a period of 7 days. Applicant is allowed to make exhaustive representation before the appropriate authority within a period of 7 days from today. If such a representation is preferred by the applicant within 7 days, then the said authority is directed to consider the representation within a further period of two months. If after such consideration, the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months to extend those benefits to the applicant.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. Urgent copy of this order be given to Mr. Tripathy as per rules. Applicant is at liberty to annex a copy of this order along with his representation.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER (J)