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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

OA No. 532/95

Date of order : 21.12.1995

S.N. Gupta

...

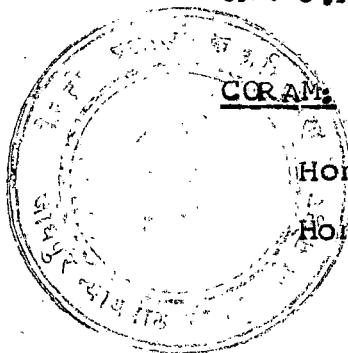
Applicant.

versus

Union of India & Ors. ...

Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.



PER HON'BLE MR. N.K. VERMA:

Shri J.K. Kaushik, learned counsel for the applicant, is here agitating against the Memo dated 30.8.95 (Annexure A/1) by which a list of officials who have been brought on the cadre of Senior T.O.A. (TG) retrospectively. The name of the applicant has not found in that list. He made a representation to the Senior Superintendent Telegraph Traffic (SSTT, for short) on 6.9.95 which was replied in the negative by that officer. Shri Kaushik stated that as per Section 22 of the Administrative Tribunals Act, 1985, the representation made by the applicant to the SSTT
^{an} should be held to be/exhaustion of all the remedies available in the departments and as such the case is maintainable in this Tribunal.

2. The Tribunal under Section 20 of the Administrative Tribunals Act, 1985, is not supposed ordinarily to 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 grievance. The relevant service rules regarding redressal of grievance was not available for our perusal, but on our query, Shri Kaushik referred to Rule 23 of the C.C.S. (C.C.A.) Rules, 1965, by which it has been stipulated that a Government servant may prefer an appeal against all or any of the following orders, namely :-

- (i)
- (ii)
- (iii)
- (iv) an order which -
 - a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or
 - b) interprets to his disadvantage the provisions of any such rule or agreement;

The C.C.S.(C.C.A.) Rules also has a schedule of officers who are the appointing, disciplinary and appellate authority in regard to several cadres and grades of officers and employees working in the Government. Therefore, a mere representation to SSTM cannot be held to be an exhaustion of all the remedies available to the applicant in this matter. It was not brought to our notice as to who is the appointing authority of the applicant and if the SSTM is the appointing authority,

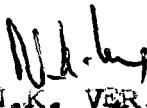
there are other officers who are higher to him and
exercise the powers of the appellate authority.

The applicant, therefore, had an opportunity of
making a representation to the higher officers
of the department before coming to this Tribunal.

In view of this, we find that this O.A. is highly
premature and is dismissed as such at admission
stage itself.


(Rattan Prakash)

Member (J)


(N.K. VERMA)
Member (A)

cvr.