

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
~~XXXXXX~~

355/92

199

DATE OF DECISION 4.3.1992

S. Vijayakurup

Applicant (s)

Mr. MR Rajendran Nair through  
proxy counsel Ms. Asha PV.

Advocate for the Applicant (s)

Versus

Sub Divisional Officer,  
Telephone, Alappuzha and others

Respondent (s)

None for the respondents

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. **S.P. Mukerji** - Vice Chairman

and

The Hon'ble Mr. **A.V. Haridasan** - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Hon'ble Mr. **S.P. Mukerji**, Vice Chairman)


Heard the learned counsel for the applicant in which the applicant has sought earlier appointment as Lineman with effect from 9.12.81 on the basis of the judgment of this Tribunal in O.A.702/90. *Widespread accordance with* that judgment the applicants therein were given the benefit of retrospective appointment on the ground that the delay in their appointment was due to the challenge of the preceeding selection which was decided in O.A. 117/88. *The* Applicant claims that since the other candidates in the subsequent selection were given retrospective promotion on the basis of the judgment in O.A.702/90 the

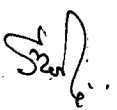
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applicant also should be given similar benefit. The learned counsel <sup>for the applicant</sup> concedes that even though the applicant was selected in the subsequent selection <sup>he was not one of</sup> the applicants in O.A. 702/90 nor did he make any representation in writing, to the respondents for the benefit which he is claiming before us.

2. In the circumstances we feel that the application is premature as the applicant has not exhausted the remedy available to him through departmental representation. In departmental representations the question of oral representation and its oral rejection do not <sup>matter</sup> ~~come~~. Accordingly, we reject this application as premature under Section 19(3) of the Administrative Tribunals Act. We however, clarify that this will not prejudice the applicant's claim available to him in accordance with law in case he represents to the department and he feels aggrieved by the outcome of such representation.

  
(A.V. HARIDASAN)  
JUDICIAL MEMBER

  
4.3.92  
(S.P. MUKERJI)  
VICE CHAIRMAN

4.3.92

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