

In the Central Administrative Tribunal,

Patna Bench : Patna

Q

Registration No. OA-323 of 1996

Date of Order:- 17.7.1996

Ramesh Chandra

...

Applicant

Versus

The Union of India & Others ...

Respondents

Counsel for the applicant ..

Mr. J.K. Karn

Counsel for the respondents ..

None

Coram:- Hon'ble Shri N.K.Verma, Member (A)

O R D E R

(Pronounced in Open Court on dictation)

Hon'ble Shri N.K.Verma, Member (Administrative):-

1. This is an O.A. which has been filed here on transfer from the Calcutta Bench of the Tribunal where the applicant had moved as unlisted matter before the Division Bench on 20.6.1996 acting under the direction of the Acting Registrar of the Principal Bench of the Tribunal, by which litigants were advised to seek orders of interim nature at the Calcutta Bench of the Tribunal since the Hon'ble Members of this Bench were on vacation or on leave during that period. It appears that the applicant in this OA in stead of approaching this Bench for registration of the OA as an urgent DB matter before the Registrar of this Bench, straight way approached the Calcutta Bench and sought relief of having termination order stayed and also to have the matter admitted. There the OA was registered under Registration OA No.734 of 1996 and came up unlisted before a Division Bench on 20.6.1996. The Calcutta

Bench was, however, not impressed by the arguments of the counsel for the applicant and the interim prayer was rejected. That Bench also directed that the applicant should approach the Respondent No.2 for any remedial measure in this matter. Having firstly tried to obtain the order regarding grant of interim relief through an abuse of judicial process by going to Calcutta Bench in stead of the Patna Bench where the applicant should have filed the case and after the applicant was directed to make approaches to the respondent No.2 on 26.6.96, the applicant has again come before this Bench for seeking relief in the matter. Shri J.K.Karn, learned counsel for the applicant was asked to explain the conduct of the litigant in this matter which tended to be a criminal contempt of this Court by misrepresentation of the facts and seeking relief from another Bench when this Bench had been functioning when the alleged termination on 30.5.96 had taken place. If this case was of urgent nature for adjudication before a Division Bench, the Deputy Registrar of this Bench could have placed the O.A. before the appropriate Bench for urgent orders thereon. There could not have been any reason of the applicant to wait for the summer vacation and the direction dated 10.6.96 from the Acting Registrar of the Principal Bench to approach the Calcutta Bench for seeking relief under the direction of the Acting Registrar of the Principal Bench who had no authority to pass any judicial order regarding adjudication in any matter pertaining to the jurisdiction of this Bench and which had not been endorsed by the Hon'ble Member I/c of this Bench at Patna.

2. The applicant is totally misconceived now at this stage after having been disposed of by the Calcutta Bench wherein he was refused to grant interim relief and he was also directed to seek relief from the Respondent No.2 who happens to be Chief Postmaster General of Bihar Circle, Patna. During the course of arguments Shri Karn has brought to my notice that the representation has actually been filed by the applicant before the Chief Postmaster General on 26.6.95. That representation was not available in the paper book of this O.A. Since the applicant has already exhausted the judicial remedy howsoever wrongly and has now been advised to seek departmental remedy, this OA is not fit case for admission or for any further order in the matter. This application is dismissed as non-maintainable.

3. The Registry is directed that this case may also be clubbed with the contempt proceedings in connection with OA No. 322 of 1996 pending before this Bench against the Acting Registrar of the Principal Bench and other Officers of this Bench.


(N.K.Verma)
Member (A)