

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 133/90
T.A. No.

198

DATE OF DECISION 9-10-1990.

Anand Tukaramji Moon Petitioner

Mr.M.B.Agasti Advocate for the Petitioner (s)

Versus

The General Manager, Ordnance Respondent

Factory, Ambajhari Nagpur & another
Mr. Ramesh Darda Advocate for the Respondent (s)

CORAM

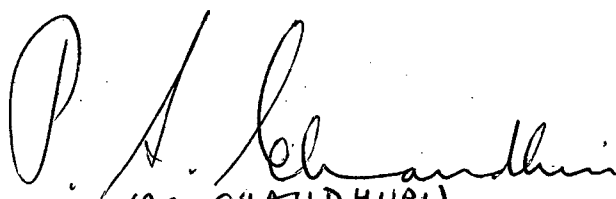
The Hon'ble Mr. P.S. Chaudhuri, Member(A)

The Hon'ble Mr. S.K. Jain, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes

} Yes


(P.S. CHAUDHURI)
M(A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.133/90

Anand Tukaramji Moon
Anand Bhavan,
Behind Baba Decoration Works,
Budha Nagar,
Nagpur - 440 017.

.. Applicant

vs.

1. The General Manager,
Ordnance Factory,
Ambajhari,
Nagpur.
2. The Secretary,
Ordnance Factory Board,
Auckland Road,
Calcutta.

.. Respondents

Coram: Hon'ble Member(A) Shri P.S. Chaudhuri

Hon'ble Member(J) Shri S.K. Jain

Appearances:

1. Mr. M.B. Agasthi,
Advocate for the
applicant.
2. Mr. Ramesh Darda
Advocate for the
respondents.

ORAL JUDGMENT:
[Per P.S. Chaudhuri, Member(A)]

Date: 9-10-1990

This application under Section 19

of the Administrative Tribunals Act, 1985 (for short, the Act) was filed on 28-2-1990. In it the applicant who is an employee of the Ordnance Factory, Ambajhari, ~~challenging~~ challenges the order dated 19-4-88 in which he has been declared as having failed in the trade test for promotion as ^{Machinist} ~~Machinist~~ Highly Skilled Gr. II. The applicant has filed M.P. 577/90 on 18-7-90 for seeking ~~condonation~~ condonation of delay in making the application.

..2/-

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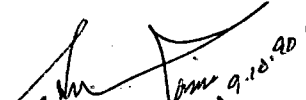
2. We have heard Mr.M.B.Agasti,learned advocate for the applicant and Mr.Ramesh Darda,learned adyocate for the respondents.

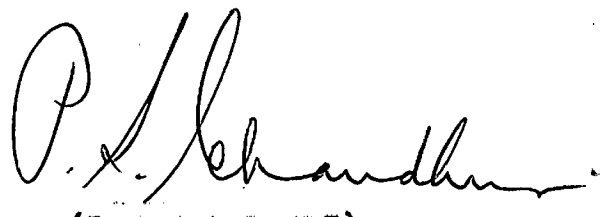
3. After going through the application and hearing the learned counsel for both the sides, we are satisfied that the applicant has not yet exhausted all possible remedies open to him under the relevant rules. Mr.Agasti sought to make out that the applicant had approached the pre-litigation committee and they had not passed any orders in regard to his grievance. But the pre-litigation committee is not the appropriate appellate authority as laid down in the statutory rules in this regard. It is not denied that the applicant has not submitted any appeal to the competent authority. In this view of the matter we are satisfied that the application is ~~premature~~ premature as the applicant has not exhausted all^{the} statutory remedies available to him under the relevant rules.

4. As per the request of the counsel for the applicant we allow the applicant to file an appeal to the competent authority on or before 31-10-90. We direct the respondents to get this appeal considered by the competent authority on merits and disposed of by passing a reasoned speaking order on or before 31-1-1991. The bar of ~~limitation~~ limitation shall not stand in the way of this consideration of such an

appeal, if filed. If the applicant continues to be aggrieved thereafter he is at liberty to file a fresh application before us.

5. This application and Misc. Petition No.577/90 are accordingly summarily disposed of with the above direction. In the circumstances of the case there will be no order as to costs.


(S.K.JAIN)
Member(J)


(P.S.CHAUDHURI)
Member(A)