

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 816/90
XXXXXX

198

DATE OF DECISION 8.1.1990

Smt. Champavati Saha Petitioner

Mr. K.D. Deshpande Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. Ramesh Darda Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. D. Surya Rao, Member (J)

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

- 1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
- 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 ?



(P.S. Chaudhuri)
 Member (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY,
CAMP AT NAGPUR
* * * *

Original Application No.816/90

Smt. Champavati Saha,
Quarter No.4-B, Type IV,
Sector V, Ordnance Factory Estate,
Chanda - 442 501. ... Applicant
V/s
1. The Union of India through
its Secretary, Ministry of
Defence Production,
New Delhi.
2. The Secretary, Ordnance
Factory Board, 10-A Auckland
Road, Calcutta.
3. The General Manager,
Ordnance Factory, Chanda. ... Respondents.

CORAM: Hon'ble Member (J), Shri D.Surya Rao
Hon'ble Member (A), Shri P.S.Chaudhuri

Appearances:

Mr. K.D.Deshpande, Adv,
for the applicant. & Mr.Ramesh Darda,
Adv., for the respondent.

ORAL JUDGEMENT:

Dated : 8.1.1991.

(Per. P.S.Chaudhuri, Member (A))

This application under Section 19 of the Central Administrative Tribunals Act, 1985 was filed on 19.11.90. In it the applicant who is working as a Home Science/Domestic Science Teacher in the Ordnance Factory High School, Chanda, is challenging the order dated 22.1.1990 by which one Shri N.C. Deogade is promoted as Head Master/Vice-Principal of the said school.

2. We have heard Mr. K.D.Deshpande, learned counsel for the applicant and Mr.Ramesh Darda, learned counsel for the respondents who waives notice.

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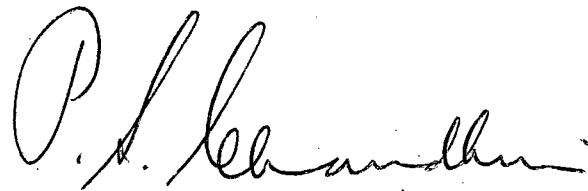
3. Mr. Deshpande fairly submitted before us that the applicant has not made any formal written appeal against the impugned order. It is not disputed that a statutory appeal lies against the impugned order in terms of Rule 23(iv) of the CCS (CCA) Rules, 1965. Such being the case it is evident that the applicant has a remedy available to her under the relevant service rules ^{to} as / redressal of grievance but has not yet availed of this remedy. In view of this position we have no difficulty in holding that the application is premature in terms of the provisions of Section 20 of the Central Administrative Tribunals Act, 1985.

4. Faced with this predicament Mr. Deshpande submitted that the applicant would be submitting an appeal as provided under the CCS (CCA) Rules, 1965 and that he would be satisfied with a direction to the respondents to dispose of this appeal expeditiously. He also submitted that in case the applicant remains aggrieved after her statutory appeal was decided she should be given liberty to approach this Tribunal afresh. We are inclined to agree with this submission.

5. In this view of the matter the application is disposed of at the admission stage with a direction to the respondents to dispose of any appeal submitted by the applicant within a period of three months from the date of receipt provided such an appeal is made by 28.2.1991. The applicant is at liberty to approach this Tribunal afresh if she continues to remain aggrieved thereafter.

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6. The application is disposed of with this direction without any order as to costs.



(P.S. Chaudhuri)
Member(A)



(D. Surya Rao)
Member(J)

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