

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 28/91
XXX No.

198

DATE OF DECISION 11.2.1991

Shri K.N.Muneshwar Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. T.C. Reddy, Member (J)

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 ?

Yes

No

P.S. Chaudhuri
(PS CHAUDHURI)

M(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

DA. NO. 28/91

(5)

Shri K.N. Muneshwar

... Applicant

v/s.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (A) Shri P.S. Chaudhuri
Hon'ble Member (J) Shri T.C. Reddy

ORAL JUDGEMENT

Dated: 11.2.1991

(PER: P.S. Chaudhuri, Member (A))

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 16.1.1991. The applicant is a Care-Taker, Officers' Rest House, Central Railway, Bhusawal who is challenging the non-payment of HRA to him and his wife.

2. When this case was called out for admission hearing none appeared for the applicant. The applicant has, however, stated in Para 11 of his application that he does not desire to have oral hearing at the stage of admission hearing. In view of this position, we have gone through the application with a view to satisfy ourselves whether the case is fit for adjudication by us.

3. From the application we find that the applicant has submitted a representation dated 30.10.1990 in respect of the said matter of the application. The applicant has a statutory right of such an appeal in terms of Rule 17 (iv) of the Railway Servants (Discipline and Appeal) Rules, 1968. A period of six months has not yet elapsed since the said appeal was filed. In view of this position we are quite satisfied that the application is pre-mature as the applicant can not be deemed to have exhausted all the remedies available to him under service rules as is required under Section 20 of the Administrative Tribunals Act, 1985.// ⁴ In this view of the case, the application is summarily rejected under Section 19(3) of the Central Administrative Tribunals Act, 1985. We would make it clear that if the applicant continues to remain aggrieved after

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his appeal dated 30.10.1990 is finally decided or if the requirements of Section 20 of the Administrative Tribunals Act, 1985 have been met, he would be at liberty to approach the Tribunal afresh.

T. C. Reddy
(T.C. REDDY)
MEMBER (J)

P. S. Chaudhuri
(P.S. CHAUDHURI)
MEMBER (A)