

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 828/91
~~TAX No.~~

198

DATE OF DECISION 7.1.1992Mr. Shri Shripat Eknath Aute, PetitionerMr. V. R. Sali, Adv. Advocate for the Petitioner(s)

Versus

Union of India and ors. RespondentNone Advocate for the Respondent(s)

CORAM :

The Hon'ble Ms. USHA SAVARA, MEMBER (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? *No.*
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?

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO: 828/91

Shripat Eknath Aute,
Railway Quarters,
S.K.Hingoli Station, Post Hingoli,
District Parbhani.

.... Applicant

V/s

Union of India
and others

.... Respondents

CORAM : HON'BLE MEMBER MS.USHA SAVARA, MEMBER(A)

Appearance:

Mr.V.R.Sali, Adv,
for the applicant

None for the respondents

ORAL JUDGEMENT

7th JANUARY 1992

(PER : MS.USHA SAVARA, M/A)

This application has been filed by the applicant against the transfer order dated 19.8.1991 issued by the Respondent No.2, transferring the applicant from Hingoli to Wanroad.

2. Mr.V.R.Sali, advocate, appeared for the applicant and admitted that the applicant not made any representation before Departmental Authorities for reconsidering his transfer order. The applicant has rushed to the Tribunal for adjudication of his grievance before exhausting the departmental remedies available to him.

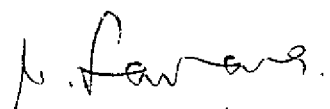
3. It has been held by the Full Bench in OA No.27/90 FULL BENCH JUDGEMENT, Vol.II pg.250, that before an applicant comes to the Tribunal, he should file appeal/representation etc. and still, if such appeal etc, is not disposed of within six months, then he can come to the Tribunal even without

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such disposal. The Full Bench was fortified in their views by pronouncement of the Hon'ble Supreme Court in the case of S.S.Rathore V.State of Madhya Pradesh. It was held that the power to entertain the application under section 19 of the Administrative Tribunals Act, 1985 even before exhaustion of the statutory remedy of appeal etc, in service matters is not the usual feature, but an extraordinary, unusual or uncommon feature. This power cannot be exercised generally or always. The learned counsel for the applicant could not point out any reason due to which he could not avail of departmental remedies.

4. In the circumstances, I am of the view, that the application is premature and has to be dismissed as such. The application is dismissed as being premature accordingly, with no order as to the cost.

5. The Applicant would be well advised to file a representation to the departmental authorities afresh. If the applicant's representation is rejected for some reason, then he would be at liberty to file afresh application for the redressal of his grievances.


(MS.USHA SAVARA)
MEMBER/A