

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 643/92

199

T.A. NO:

DATE OF DECISION 30.6.1992

SHRI A.K.S.JAGPAL

Petitioner

MR. S.P. HALWALIA

Advocate for the Petitioners

Versus

Union of India and ors.

Respondent

None


Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Mr. J.P. SHARMA, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? 2
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 ?


(J.P. SHARMA)
M/A

mbm*
srl

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO. 643/92

SHRI A.K.S. JAGPAL,
residing at A-401,
Lalji Complex,
M.G. Road, Dhanukar Wadi,
Kandivali (W), Bombay -67

and other 10

....Applicants

V/s

THE UNION OF INDIA
AND OTHERS.

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

HON'BLE MEMBER SHRI J.P.SHARMA, (J)

Appearance:

Shri S.P.Halwasia, Adv.
for the applicant.

ORAL JUDGEMENT

DATED : 30.6.92

(PER : J.P.SHARMA, M/J)

The applicant and 10 other in this application have challenged the draft seniority list of Officers in the Grade of Assistant Chief Controller, Imports and Export (Grade -III of ITS) in this organisation as on 1.4.1992. By the memo of appeal 1992 Office of the Chief Controller, Imports and Exports circulated this draft seniority list calling upon affected persons to file representation if any against the said list within a period of one month. In these circumstances the applicants have prayed that the impugned draft seniority list is illegal, null and void and besides this, in the interim measure, the applicants have also prayed that, in the meantime, the draft seniority list be not finalised.

10

2. During the course of arguments, learned counsel for the applicant to support his contention relied on a decision of Madhya Pradesh High Court reported in AIR 1970 M.P. pg.132, Narayan Chandra Mukherji V/s State of Madhya Pradesh and others. He has highlighted at page 133 of the report, in that case there was draft seniority of service and these likely to be affected desired certain information to be furnished before filing an effective representation. However, the State Government declined to give that information which was not appreciated in the said report.

3. The learned counsel for the applicant apprehend that the applicants have made representation on 22nd May 1992 but could not make effective representation because information was desired was not furnished by the respondents regarding yearwise position in the Grade-III and Grade-II from 1977 to 1992, the details of appointments in the Grade-III of direct recruits and promotions yearwise 1977 to 1992 and lastly, if there was a shortfall in the case of direct recruits, the steps taken by Government to fill up their quota.

4. Under Section 20 of the Administrative Tribunals Act, 1985, the applicants have first to exhaust departmental remedy and if they are not disposed of within a period of six months then in that case, they can assail their grievance before the Tribunal. In view of these facts and circumstances, the present application is premature and we are supported by FULL BENCH JUDGEMENT in the case of B.Parmeshwara Rao V. Telecommunication and ors. Vol.II pg.256.

Le

5

5. However, the learned counsel for the applicants prays that, what he wants is that the representation be disposed of effectively with the right to applicants to file supplementary representation.

6. We are of the opinion, that the present application is premature and is disposed of at the admission stage itself with the direction to the respondents to effectively dispose off the representation made by the applicants on May 22, 1992 within six months from the date of receipt of copy of the order and also consider the request of supply of documents requested by in the said representation. The applicants shall be at liberty to approach this Tribunal again if they are still aggrieved subject to the law of limitation. There is no order as to costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)

30.6.92

Usha Savara

(USHA SAVARA)
MEMBER (A)

30.6.92

srl