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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.65/91.

Date of Decision:5-3-1991.

B.A.Ramakrishna Rao

...Applicant

Vs.

1. The Chief Personal Officer,  
South Eastern Railway, Garden  
Reach, Calcutta.
2. The Divisional Personal Officer,  
South Eastern Railway, Waltair.

...Respondents

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Counsel for the Applicant : Shri P.Sesha Rao

Counsel for the Respondents : Shri N.R.Devarej, SC for Rlys

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CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Division Bench delivered by  
Hon'ble Shri B.N.Jayasimha, Vice-Chairman).

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The applicant is a Senior Clerk in the office of the Divisional Personnel Officer, South Eastern Railway, Waltair. He had earlier filed WP 10797/84 in the High Court of Andhra Pradesh, which was transferred to this Tribunal and re-numbered as TA.No.756/86 and in that petition he had claimed that he is entitled to the benefits given to members of the Scheduled Caste, he being a Scheduled Caste. This Tribunal had disposed-of the application on 17-2-1988 directing the respondents to

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to complete the enquiry as regards the claim of the applicant that he is a Schedule Caste and it was further directed that till the enquiry is completed, the applicant be given all the benefits due to Scheduled Caste employees. Consequent to this decision, the respondent No.2 passed order No.WPV/103/222/5 dated 13-6-1988 promoting the applicant as Senior Clerk. This order did not give him promotion retrospectively. In the present application, he contends that the promotion given under order dated 13-6-1988 is as per the applicant's normal seniority without following the reservation policy. As a Scheduled Caste, he is entitled to retrospective promotion i.e. after completing two years of service in the lower cadre as it was done in the case of other Scheduled Caste employees. Further according to the roster system he was eligible for promotion to the post of senior clerk in the year 1983. He therefore prays that the respondents should be directed to promote him retrospectively as senior clerk from the date he became eligible for that post and his seniority be <sup>fixed</sup> accordingly.

2. The applicant has filed a petition for condoning the delay of 18 months 12 days in presenting the application.

3. We have heard Shri P.Sesha Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing

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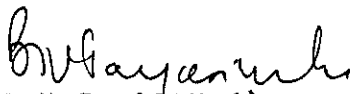
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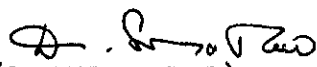
1. The Chief Personal Officer,  
South Eastern Railway, Garden Reach,  
Calcutta.
2. The Divisional Personal Officer,  
South Eastern Railway, Waltair.
3. One copy to Mr.P.Sesha Rao, Advocate  
3-6-290/A/3Aziz Towers, Hyderguda, Hyderabad.
4. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.Bench.
5. One spare copy.

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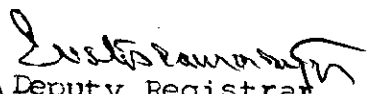
counsel for the Railways, who has taken notice at the admission stage. Apart from the question of delay, Shri Devraj states that after the issue of the order dated 13-6-1988, the applicant has not submitted any representation in regard to this grievance to the concerned authorities. Section 20 of the A.T.ACT, 1985 lays down that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to the redressal of grievance. Under the CCS(CCA) Rules an appeal lies against any order which denies or varies to the dis-advantage of the applicant any condition of service. Sri Devraj contends that as the applicant has not made any such representation or appeal, the application is liable to be dismissed as premature under section 20 of the Administrative Tribunals Act, 1985.

4. On a consideration of the facts and applying the provisions of section 20 of the Administrative Tribunals Act, 1985, we find that the application is premature. Accordingly we dismiss the same. No order as to costs.

  
(B.N. JAYASIMHA)  
Vice-Chairman.

  
(D. SURYA RAO)  
Member (J)

Dated: 5th March, 1991.  
Dictated in Open Court.

  
Deputy Registrar