

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.519/96

Date of order: 9.1.2001

Om Prakash Badaya, S/o Shri N.L.Badaya, Computer, O/o
Directorate Census Operation, Rajasthan, Jaipur.

...Applicant.

Vs.

1. Union of India through Registrar General, Mini. of Home Affairs, 2-A, Man Singh Road, New Delhi.
2. The Director, Census Operations Rajasthan, Jhalana Dungri, Jaipur.
3. Shri Kunj Behari Sharma.
4. Shri Gokul Chand Verma.
5. Shri Mahaveer Kumar Jain.
6. Shri Rajesh Kumar Mittal.
7. Shri Arun Kumar Jain.
8. Shri Bhawani Prasad Sharma.
9. Shri Satish Kr. Chaturvedi.
10. Shri Krishan Mohan Khandelwal.
11. Shri Mukesh Kr. Bhargava
12. Shri Jawana Ram Jat.
13. Shri Shyam Sunder Sharma.
14. Kum. Kusum Lata Yadav.
15. Shri Bhanwar Lal Kuldeep
16. Shri Hazari Lal Gupta,
17. Shri Mahendra Kr. Jain.
18. Shri Rajendra Kr. Nagar.
19. Shri Mukum Cand Dabodia
20. Smt. Kamlesh Sharma.
21. Shri Mohan Lal Raigar
22. Shri Laxmi Narain Meena
23. Shri Ved Prakash Singhal.
24. Shri Manikant Sharma.
25. Shri Suraj Mal Tak.

26. Shri Bhura Ram Tarang
27. Shri Bachittar Singh Purva
28. Shri Kailash Chand Gupta.
29. Shri Vijay Mohan Mathur.
30. Shri Nemi Chand Kumawat.
31. Shri Narendra Kr.Gupta.
32. Shri Suresh Chand Sharma.
33. Shri Vinod Kumar Gupta.
34. Shri Krishna Kumar Sharma.
35. Shri Madhav Lal Trivedi.

...Respondents.

Mr.P.V.Calla - Counsel for the applicant.

Mr.S.L.Thodani - Counsel for respondent No.8

None for other respondents.

~~CORAM:~~

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.Gopal Singh, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to declare ^{that} the impugned seniority list dated 18.9.96 (Annex.A1) and memorandum Annex.A-1A dated 18.9.96 are illegal.

2. Reply was filed. In the reply, it is stated that the answering respondents have implemented the order dated 24.8.95 passed by this Tribunal granting higher seniority to the applicants in O.A No.93/94, O.A No.121/94, O.A No.122/94 and O.A No.172/94 and in compliance thereof a fresh seniority list was drawn in which private respondents Nos.3 to 35, were placed below the applicants vide order dated 18.9.96 (Annex.A1). It is also stated that the applicant has not represented against the impugned order dated 18.9.96 (Annex.A1) to the Registrar General of India and Census Commissioner, as



such the applicant has not exhausted the alternative remedy available to him under Sec.21 of the Administrative Tribunals Act, 1985. It is also stated that the order dated 24.8.95 of this Tribunal granting higher seniority to the applicants of the aforesaid O.As placing the private respondents Nos.3 to 35 below the applicant was challenged before the Supreme Court by filing SLP Nos.1113-1116 of 1996 which were dismissed and order dated 18.9.96 was maintained. Therefore, the applicant has no case for interference by this Tribunal and this O.A is liable to be dismissed.

3. Heard the learned counsel for the parties and also perused the whole record.

4. On perusal it becomes abundantly clear that the impugned seniority list was issued in compliance of the order dated 24.8.95 passed by this Tribunal as mentioned above. It is also apparent that a final seniority list was issued on 12.4.93 by the Deputy Director of Census Operations Rajasthan, Jaipur and the applicant made representation against the said seniority list to the Director Census Operations Rajasthan, Jaipur, which was turned down in the year 1993 with some changes. Thereafter S/Shri R.C.Bairwa, Tara Chand Sharma, Smt.Asha Saxena and Sunil Kumar Garg, have filed O.As before this Tribunal which was decided by a common order dated 24.8.95 and the private respondents Nos.3 to 35 were shown senior to the applicant by the revised seniority list which is under challenge in this O.A.

5. It is also evident that the applicant before approaching this Tribunal, did not make any representation against the impugned seniority list dated 18.9.96, therefore, it can be said that the applicant has approached this Tribunal without exhausting the alternative remedy available to him, as required under Sec.21 of the Administrative Tribunals Act,



1985.

6. It is also stated by the learned counsel for the respondents that SLP No.1113-1116 of 1996, Kunj Behari Sharma & Ors Vs. UOI & Ors was filed before the Hon'ble Supreme Court which was dismissed by the Hon'ble Supreme Court. This contention is also admitted by the learned counsel for the applicant. Therefore, in view of decision of this Tribunal and the SLP decided/disposed of, we do not find any merit in the O.A and in our considered view, the applicant is not entitled to any relief sought for.

7. We, therefore, dismiss the O.A having no merits with no order as to costs.

Gopal Singh
(Gopal Singh)

Member (A).

S.K. Agarwal
(S.K. Agarwal)

Member (J).