

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No. 060/01074/2014

Date of decision- 26.11.2014

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

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1. Chander Kala, Assistant, Head Office, Karnal, District Karnal.
2. Shanti Devi, Assistant, Head Office, Karnal, District Karnal.
3. Saroj Bala, Assistant, Head Office, Karnal, District Karnal.
4. Subhash Chand RMS Division Ambala, District Ambala.
5. Bhim Panchal, ASRM, H.R. Division Ambala, District Ambala.
6. Phool Singh, ASP Panipat Sub Division Panipat.
7. Rajni Bala, SPM Medical College Rohtak, District Rohtak.
8. Raj Bala, SPM Bhalaut District Rohtak.
9. Maya Devi SPM, H. Office Rohtak, District Rohtak.
10. Ramesh Chand Gurukul Panchkula.
11. Amrit Lal, H.R. Division Ambala C/o 56 APO.
12. Santosh Gupta, SPO Kurukshetra, District Kurukshetra.
13. Rajesh Kathana, H.Q. P.Office Bhiwani, District Bhiwani.
14. Dharam Pal, S.P.O. Samalkha, District Karnal.
15. Hem Raj, SPO Samalkha Karnal, District Karnal.
16. Gurmeet Kaur GPO Ambala, District Ambala.
17. Baljeet, Palam Vihar Ambala, District Ambala.

...APPLICANTS

BY ADVOCATE : Sh. D.R. Singla

VERSUS

1. Union of India through Secretary, Post and Telegraph Dept.,
New Delhi.

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2. The Postmaster General, Haryana Circle, Ambala.
3. Senior Superintendent of Post Offices, Division, Ambala.
4. Superintendent RMS, HR Division Ambala, District Ambala.
5. Sr. Superintendent of Post Offices Karnal, District Karnail.
6. Assistant Superintendent of Post Offices Panipat, District Panipat.
7. Senior Superintendent of Post Offices, Rohtak, District Rohtak.
8. Superintendent of Post Offices Panchkula, Gurukul Panchkula.
9. SPO Kurukshetra, District Kurukshetra.
10. SPO Bhiwani, District Bhiwani.

...RESPONDENTS

ORDER (ORAL)

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HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

By means of the present O.A filed under Section 19 of the Administrative Tribunal Acts, 1985, the applicant has sought issuance of direction to the respondents to grant him the benefit as granted to the applicants in O.A No. 788/HR/2001 titled **Pardeep Jain Vs. U.O.I. & Ors.** decided on 31.10.2003 which was affirmed by the Hon'ble High Court.

2. On the commencement of hearing, learned counsel for the applicant submitted that being similarly situated person, the applicants, before approaching the court, made a representation on 30.05.2014 to the respondents for the grant of the benefit which is

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granted to the persons regularly recruited as Postal Assistant but till date same has not been responded to.

3. Learned counsel for the applicants made a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to take a view in the matter by deciding the pending representation-cum-legal notice of the applicant, in accordance with law and while considering the same, they may also consider the law laid down in O.A No. 788/HR/2001.

4. For the order which we propose to pass there is no need to issue any notice to the respondents and call for their reply for the simple reason that as per Section 20 of the Administrative Tribunals Act, 1985, there is a bar on entertaining an Original Application if a departmental remedy is not exhausted by the applicant. Hon'ble Supreme Court of India in the case of **S.S Rathore v. State of M.P.,** **AIR** 1990 SC 10 (rendered by Seven Judges Bench), has made it clear that availing of remedies available under the Service Rules is the condition precedent to maintenance of Original Applications under the Administrative Tribunals Act. The respondents are duty bound to decide the pending representation-cum-legal notice which is not decided till date as submitted by the applicant.

5. In view of the statement made by the learned counsel for the applicant coupled with the prayer made in O.A, we dispose of the

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present O.A with a direction to the Competent Authority amongst the respondents to take a view on the pending representation-cum-legal notice by passing a speaking and reasoned order in accordance with law and rules, within a period of three months from the date of receipt of a certified copy of the order. While considering the same, they may also consider the judgment rendered in case of Pardeep Jain (supra) affirmed by the Hon'ble High Court. If they are not similarly situated person, then by recording the reasons in the order, the same be communicated to the applicant.

6. Needless to say that we have not expressed any view on the merits of the case.

7. With directions as above, this O.A. stands disposed of with no order as to costs.


(UDAY KUMAR VARMA)
MEMBER (A)


(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 26.11.2014.

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