

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A NO. 060/01131/2014 Date of decision -18.12.2014

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. RAJWANT SANDHU, MEMBER (A)**

Tarsem Lal, RTM O/o E.E. Op. Divn. No. 2 U.T. Chandigarh R/o
House No. 1092-A Sector 28-B, Chandigarh.

...APPLICANT

BY ADVOCATE: Sh. B.R. Rana

VERSUS

1. The Union of India through its Secretary Finance, (U.T.), Chandigarh.
2. The Superintending Engineer, Room No. 511, 5th Floor Electricity (Op) Circle, Deluxe Building, U.T. Chandigarh.
3. The Secretary, House Allotment Committee-AEE, Electricity Store sub-Division, U.T. Chandigarh.

...RESPONDENTS

ORDER (ORAL)

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

1. Heard.
2. The solitary grievance of the applicant in the O.A is that representation dated 11.04.2014 followed by reminder 24.04.2014 submitted by him for allotment of house on the

ground floor has not been decided by the respondents till date and a person junior to him in seniority has been allotted the accommodation.

3. Sh. B.R. Rana, learned counsel for the applicant made a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents to take a view on the pending representations of the applicant in a time bound manner.
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 an aggrieved employee. Hon'ble Supreme Court of India in the case of **S.S Rathore Vs. 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 which has not yet been decided as submitted by the learned counsel for 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 present O.A with a direction to the Competent Authority amongst the respondents to take a view on the pending representation of the applicant by passing a speaking and reasoned order in accordance with law and rules, within a period of one month's from the date of receipt of a certified copy of the order. Orders so passed be duly communicated to the applicant.
6. Needless to say that we have not expressed any view on the merits of the case.
7. No order as to costs.

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(SANJEEV KAUSHIK)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Dated: 18.12.2014

'jk'