

**Central Administrative Tribunal  
Principal Bench, New Delhi.**

**RA-119/2017 in  
OA-917/2017**

**New Delhi this the 9th day of May, 2017.**

**Hon'ble Mr. Shekhar Agarwal, Member (A)  
Hon'ble Mr. Raj Vir Sharma, Member (J)**

Sh. Rohit Kumar  
(Roll No. 46100139) (Appointment)  
(Post Code 1/13)  
Aged about 28 years  
S/o Sh. Satish Kumar,  
R/o Village Berli Khurd,  
Musepur, Distt. Rewari,  
Haryana.

..... Applicant

Versus

1. Delhi Subordinate Service Selection Board  
DSSSB through its Secretary,  
FC-18, Institutional Area,  
Karkardooma, Delhi.

2. Director,  
Directorate of Education,  
Govt. of NCT of Delhi,  
Civil Lines, Old Secretariat,  
Delhi-110 054. .... Respondents

**ORDER (By Circulation)**

**Mr. Shekhar Agarwal, Member (A)**

This review application has been filed for review of our order dated 20.03.2017 by which the following directions were given:-

“3. In view of the aforesaid facts, we dispose of this OA at the admission stage itself without issuing notices to the respondents and without going into the merits of this case, with a direction

to them to decide the pending representation of the applicant within a period of six weeks from the date of receipt of a certified copy of this order. The decision taken may be communicated to the applicant by means of a reasoned and speaking order. No costs."

2. In the review application, it has been stated that the Tribunal has committed an error by directing the respondents to decide the representation of the applicant instead of adjudicating the matter itself. It has been submitted that this was contrary to the directions given by this Hon'ble Supreme Court in the case of **State of West Bengal Vs. Subhas Kumar Chatterjee & Ors.**, (2010) 11 SCC 694 wherein it has been held as follows:-

"21. This Court on more than one occasion decried such practices adopted by the tribunals directing applications filed before them to be treated as representations before the executive authorities for their decision on merits. It is for the tribunals that are empowered to examine service disputes on merits. Such delegation of power apart from being illegal and unconstitutional amounts to avoidance of constitutional duties and functions to decide such disputes which are exclusively entrusted to them by law."

3. We have considered the aforesaid submissions. The direction given by us in our order is to the respondents to decide applicant's representation pending before them. No direction has been given by this Tribunal to the respondents to treat the OA filed before the Tribunal as a representation. Thus, reliance placed by the review applicant on the judgment of Hon'ble Supreme Court in the case quoted above is misplaced. Our order also does not amount to

delegation of authority by the Tribunal as in case the applicant is aggrieved by the decision of the respondents on his representation, he is at liberty to approach the Tribunal again. At the stage when the respondents had themselves not decided the case of the applicant and decision on his representation was still pending, it would have been premature for this Tribunal to have entertained the OA. In this regard Section-20 of the Administrative Tribunals Act, 1985 is relevant wherein it has been laid down that this Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant has availed of all the remedies available to him under the service rules for redressal of his grievances.

4. We, therefore, do not find any merit in this review application and dismiss the same in circulation.

**(Raj Vir Sharma)**  
**Member (J)**

**(Shekhar Agarwal)**  
**Member (A)**

/Vinita/