

Central Administrative Tribunal Principal Bench

OA No.3514/2015

New Delhi, this the 22nd day of September, 2015

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P. K. Basu, Member (A)**

Daya Chand
S/o Deep Chand,
Aged 55 years,
Villae Balour,
Post Office Bahad
Distt. Jhajjar,
Haryana.

... Applicant.

(By Advocate : Shri Ajay Veer Singh Jain with
Shri Atul Aggarwal, Shri R. K. Verma,
Ms. Divya Garg and Sh. U. R. Bokadia)

Vs

1. Government of National Capital Territory of Delhi
Through its Chief Secretary
Delhi Secretariat,
New Delhi.
2. Delhi State Civil Supplies Corporation Limited,
Through its Chairman-cum-Managing Director
Aapurti Bhawan, 7-9, Aram Bagh Lane,
Pahar Ganj,
New Delhi 110 055. ... Respondents.

(By Advocates : Shri Gyanendra Singh)

: O R D E R (ORAL) :

Justice Syed Rafat Alam, Chairman :

By means of this Application, the applicant has sought direction commanding the respondents to grant him upgradation to the relevant Grade Pay & ACP from the date of his seniority along with arrears, besides compensation etc.

2. We have heard Shri Ajay Veer Singh, learned counsel appearing for the applicant and Shri Gyanendra Singh, learned standing counsel for the respondents.

3. At the outset, a preliminary objection is raised on behalf of the respondents about the maintainability of this Application at this stage in view of Section 20 of the Administrative Tribunals Act, 1985, wherein it is provided that in the event any representation is filed, an Application cannot be entertained by the Tribunal unless a period of six months has expired from the date of filing of such representation.

4. Learned standing counsel for the respondents pointed out that the applicant has admittedly made a representation on 30.07.2015 only, copy whereof is enclosed as Annexure A-16, which has not been disposed of as yet and the period of six months from the date of filing of the representation is yet to expire, and as such, at this stage this Application does not lie.

5. On the other hand, learned counsel for the applicant fairly submitted that the respondents may be directed to dispose of the aforesaid representation expeditiously on merit by recording reasons.

6. We have considered the submissions made on both sides.

7. Section 20 of the Administrative Tribunals Act, 1985 provides that an Application is not to be entertained unless other available remedies are exhausted. It is well settled legal

position that before invoking the jurisdiction of the Tribunal under Section 19 of the Act, parties must exhaust remedies available to them. Reference in this connection may be made to the judgments of the Apex Court in **S. S. Rathore vs. State of Madhya Pradesh** [AIR 1990 SC 10] and **The Govt. of A. P. and Ors. vs. P. Chanda Mouli and Anr.** [(2009) 13 SCC 272].

8. In the case in hand, the representation is preferred on 30.07.2015 before the respondents. Even six months period has not expired from the date of filing of the representation, and thus this Application cannot be entertained at this stage in view of the provisions contained in Section 20 of the Act. However, looking to the submissions made and also in view of the fact that the applicant is going to retire in the month of December, 2015 as submitted by learned counsel for the applicant, we dispose of this Application at this stage with the direction to the respondents to decide the representation of the applicant dated 30.07.2015 on merit by passing a reasoned order expeditiously, preferably within a period of two months from the date of production of certified copy of this order.

9. Our order may not be construed to have expressed any opinion on merit and it is for the respondents, at the first instance, to decide the same. It goes without saying that in the event the applicant feels aggrieved by the decision taken on his representation pursuant to this order, it would be open

to him to avail the remedy before the appropriate forum in appropriate proceedings.

10. With the above order, the OA stands disposed of. Order 'Dasti'.

(P. K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/pj/