

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD**

**OA/020/834/2017**

**Date of Order : 13.03.2018**

Between:

K. Srinivasa Rao,  
S/o. K. Venkataiah, aged 55 years,  
Occ: Travelling Ticket Inspector,  
(under the orders of compulsory retirement),  
O/o the Chief Ticket Inspector (Squad),  
South Central Railway,  
Guntur Division,  
Giddalur, Prakasam District, A.P.

... Applicant

And

1. Union of India rep. by  
The General Manager,  
Rail Nilayam,  
South Central Railway,  
Secunderabad.
2. The Senior Deputy General Manager (Vigilance),  
Rail Nilayam,  
South Central Railway,  
Secunderabad.
3. The Additional Divisional Railway Manager,  
South Central Railway,  
Guntur Division,  
Guntur.
4. The Senior Divisional Commercial Manager,  
South Central Railway,  
Guntur Division,  
Guntur.

... Respondents

Counsel for the Applicant

...

Mr. KRKV Prasad

Counsel for the Respondents

...

Mr. S.M. Patnaik, SC for Rlys.

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER  
THE HON'BLE MRS. MINNIE MATHEW, ADMN. MEMBER

**ORAL ORDER**

{ Per Hon'ble Mr.Justice R.Kantha Rao, Judl. Member }

Heard Shri KRKV Prasad, learned counsel appearing for the Applicant and Shri S.M. Patnaik, learned Standing Counsel appearing for the Respondents.

2. Since the competence of the O.A is questioned in the counter affidavit filed by the Respondents on the ground that the alternative remedies contemplated u/S 20 of the Administrative Tribunals Act have not been exhausted, we are inclined to dispose of the O.A. on the said limited ground without going into the merits of the case.

3. Section 20 of the Tribunals Act reads as follows:

**“20. Applications not to be admitted unless other remedies exhausted**

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances –

(a) if a final order has been made by the government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal

was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial.”

4. Several judgements rendered by the Co-ordinate Benches of C.A.T. in recent times were brought to our notice, which are to the effect that u/S 20 of the Administrative Tribunals Act the O.A. is not maintainable unless the alternative remedies are exhausted. However, learned counsel appearing for the Applicant submits that having regard to the language employed in Section 20 of the A.T. Act, in exceptional cases, even without exhausting alternative remedies, an O.A. can be entertained by the Tribunal. Emphasis is laid down on the words “The Tribunal shall not ordinarily admit an Application unless it is satisfied that the Applicant had availed of all the remedies available to him under the relevant rules for redressal of the grievance.” Therefore, the learned counsel for the Applicant submits that in exceptional cases, even without exhausting alternative remedies, an aggrieved party can approach the Tribunal, the Tribunal can entertain the O.A. and grant him interim relief.

5. In this context, we would like to mention that if the Tribunal is of the opinion that the O.A. is not maintainable, the question of granting any interim relief will not arise. The exceptions as we understand from the language employed in Section 20 of the Tribunals Act are - to illustrate, if a major penalty is imposed without conducting any disciplinary proceedings, non-observance of the principles of natural justice and conducting the inquiry in clear disregard of the procedure prescribed for conducting the inquiry and the like. Merely because the Applicant has a strong case of success before the

Tribunal in the O.A., he cannot seek exemption from exhausting alternative remedies. In this case it would obviously appear that the inquiry was conducted broadly in accordance with the procedure prescribed under Railway Services (D&A) Rules, several witnesses were examined and several documents were marked and the Applicant was given opportunity to cross-examine the witnesses. Therefore, it cannot be said that the inquiry was conducted in utter disregard of the Rules or procedure. Therefore, this case cannot be said to be an exceptional one wherein exhausting of alternative remedies available to him under the relevant service Rule as to redressal of grievances can be exempted.

6. The learned counsel appearing for the Respondents submitted an order passed by the Tribunal in O.A. No.69/2017 wherein the Tribunal while dealing with disposal of a Miscellaneous Application seeking interim relief, directed the Applicant to avail the alternative remedies and then approach the Tribunal for redressal if he is still aggrieved of the decision of the authorities.

7. Learned counsel appearing for the Applicant relied on Charan Singh vs UOI & Others in OA No.419/1986 wherein C.A.T., Delhi did not lay down any principle stating that the alternative remedy u/S 20 of the A.T. Act need not be exhausted. So also in 1971 (1) SCC 309, no such principle was laid down.

8. For the foregoing reasons, we are of the view that the O.A. is not maintainable for filing the same without exhausting the alternative remedies available to the Applicant under the relevant service Rules. The Applicant is, therefore, directed to exhaust the alternative remedies available to him under

the relevant service Rules as to redressal of grievances and if still aggrieved, he can approach this Tribunal by filing a fresh O.A. The O.A. is dismissed.

9. Since the Applicant directly approached the Tribunal, there might be some delay in filing appeal before the appropriate authority and the appropriate authority is directed to condone the delay since he is prosecuting his case before this Tribunal.

10. The Applicant is directed to file the Appeal within a period of three weeks from the date of receipt of this order and the Appellate Authority is directed to dispose of the Appeal, after affording opportunity of hearing to the Applicant, by passing a reasoned order within a period of three months thereafter.

11. No costs.

(MINNIE MATHEW)  
ADMN. MEMBER

(JUSTICE R.KANTHA RAO)  
JUDL. MEMBER

pv