

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

**OA No. 379/2019**

New Delhi, this the 1<sup>st</sup> day of February, 2019

**Hon'ble Mr. S.N. Terdal, Member(J)  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Supriti  
Roll No. 121811102730  
Age : 36  
Group 'B', Subject : Fresh Appointment, PGT (Hindi)  
D/o Suresh Kumar  
287, Jhod Panna, Mundhela kalan, South West, Delhi – 73.

... Applicant  
(By Advocate :Shri Tahir Ashraf Siddiqui)

**Versus**

1. Directorate of Education  
Through its Director, Govt. (NCT) of Delhi  
Old Secretariat, Near Vidhan Sabha  
Civil Lines, New Delhi – 110054.
2. Delhi Subordinate Services Selection Board  
Through its Secretary  
FC-18, Institutional Area, Karkardooma, Delhi.

...Respondents

**ORDER (ORAL)**

**Hon'ble Mr. S.N. Terdal, Member (J)**

Heard the learned counsel for the applicant.

2. The cause of action arises only when an order as per Sections 19 & 20 of the Administrative Tribunal Act, 1985 is passed. The said Sections are extracted below :-

“19. APPLICATIONS TO TRIBUNALS. –

(1) Subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance.

**Explanation :** For the purpose of this sub-section, “order” means an order made –

(a) by the Government or a local or other authority within the territory of India or under the control of the Government of India or by any corporation <sup>1</sup>or society owned or controlled by the Government; or

(b) by an officer, committee or other body or agency of the Government or a local or other authority or corporation <sup>1</sup>or society referred to in clause (a).

(2) Every application under sub-section (1) shall be in such form and be accompanied by such documents or other evidence and by such fee (if any, not exceeding one hundred rupees)<sup>2</sup> in respect of the filing of such application and by such other fees for the service or execution of processes, as may be prescribed by the Central Government.

(3) On receipt of an application under sub-section (1), the Tribunal shall, if satisfied after such inquiry as it may deem necessary, that the application is a fit case for adjudication or trial by it, admit such application; but where the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons.

(4) Where an application has been admitted by a Tribunal under sub-section (3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject-matter of such application pending immediately before such admission shall abate and save as otherwise direct by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules.

#### 20. APPLICATION 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 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."

3. No order as required under the aforesaid Sections 19 & 20 arises in this matter. In view of the same, this case is premature. Hence, the OA is dismissed. No costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(S.N. Terdal)**  
**Member (J)**

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