

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 427/2019

Reserved on 14.02.2019
Pronounced on 25.02.2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr.S.N.Terdal, Member (J)**

Rahul Chandra S/o Sh. Gyan Chandra,
R/o M-100, First Floor,
Street No. 8, Hari Nagar,
New Delhi-64.

... Applicant

(By Advocate: Mr. U.Srivastava)

VERSUS

1. Union of India through the
Secretary, Ministry of Personnel,
Public Grievances & Pension,
Department of Personnel & Training,
GOI, North Block, New Delhi.
2. Lal Bahadur Shastri Academy of
Administration through its
Officer-in-Charge, GOI,
Ministry of Personnel,
Public Grievances & Pension,
(Department of Personnel & Training),
Musoorie (UK).
3. The Dy. Director (Sr.) GOI,
Lal Bahadur Shastri Academy of
Administration, Musoorie (UK).
4. Dev Suman, Stenographer Grade-II
5. Priyank Sharma, Stenographer Grade-II
6. Suman Rawat, Stenographer Grade-II
7. Shilpa Rawat, Stenographer Grade-II
8. Priti Rawat Bhandari, Lower Division Clerk
(The Respondents No. 4 to 8, may be served
Notice through the respondent No.2 & 3 as
are working in their office) ... Respondents

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

We have heard Mr. U.Srivastava, counsel for applicant.

2. The material reliefs claimed in this application are:

- "b) Quash and setting aside the appointments of the respondent no.4 to 8 vide its order dt.28.03.18 (Annexure A/1) in compliance of the directions issued by the Hon'ble CAT Allahabad Bench in OAs 327/17 & 282/17 dt. 18.05.15 (Annexure A/2 Colly) and declaring the finding given by the Tribunal in the said OAs as wrong and not binding on any of the parties including the order dt.02.11. (Annexure A/3) issued by the respondent no.3 while deciding the appeal of the applicant without any authority as the appeal was specifically and very categorically addressed to the respondent no.1 further directing the respondent no.1 to considering and finalizing the appeal of the applicant on the basis of the comments submitted from the concerned officials i.e. the respondent no.3.
- c) Refer the instant OA to a full bench and declare the findings given by the Tribunal in its judgment dt. 18.05.17 in OA Nos. 323/17 & 282/17 as wrong and not binding any of the parties by following the law laid down in paras 5 & 6 of the judgment of Hon'ble Supreme Court in K. Ajit Babu Vs. UOI & Ors.(1987) 6 SCC 473; further directing the respondents to make the selection process fairly."

3. In this OA, the applicant is not challenging any order passed by any authorities as required under Section 19 and 20 of the Administrative Tribunals Act, 1985. Even after repeated query by the Tribunal, the counsel for the applicant was unable to show as to how the said reliefs come within the jurisdiction of this Tribunal. The provisions of Section 19 and 20 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 [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 [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) [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. 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. In view of the above provisions, the relief prayed for in this OA do not come within the jurisdiction of this Tribunal. Hence, the OA is dismissed with exemplary cost of Rs. 20,000/- to be paid to the CAT Bar Association (Library) Fund. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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