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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Judgment: 10th December, 2019*

+ W.P.(C) 12994/2019

SMT. YASHODA DEVI & ORS. Petitioners

Through Mr. D.K. Garg, Mr. Dhananjay Garg
and Mr. Abhishek Garg, Advocates

versus

UNION OF INDIA & ORS. Respondents

Through Mr. Jagjit Singh, Senior Standing
Counsel with Mr. Preet Singh and Mr.
Vipin Chaudhary, Advocates for
Railways.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

G.S. SISTANI, J. (ORAL)

CMs.APPL 52995-52996/2019(Exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

CM.APPL 52997/2019(Addl. documents) & CM.APPL 52998/2019

3. The applications are dismissed as not pressed.

W.P.(C).12994/2019

4. The petitioners are aggrieved by order dated 16.10.2019 passed by the Central Administrative Tribunal (the 'Tribunal'). The Tribunal disposed of the OA filed by the petitioners by passing the following order:

"After hearing both the sides at length, learned counsel for the respondents submits that this OA is not maintainable in the present form as applicants had directly approached the Tribunal after issuing the legal notice.

2. We are convinced with the objection of learned counsel for the respondents and we direct the applicants to make a fresh representation within a week's time through proper channel. The Competent Authority may decide the applicants' representation within three months' thereafter.

However, a liberty is granted to applicants to re-approach this tribunal, in case their grievances still subsists."

5. Learned counsel for the petitioners submits that the petitioners received a notice dated 27.11.2019 informing them that their services would be terminated within 15 days. Learned counsel submits that he has been left remediless and hence has approached this Court.
6. Since no one appears on behalf of the respondents/Railways, we have requested Mr. Jagjit Singh, learned counsel, who is present in Court, to enter appearance on behalf of the Railways in the matter.
7. Mr. Jagjit Singh submits that there is no infirmity in the order passed by the Tribunal as the order was passed as far back as on 16.10.2019. Moreover, liberty was granted to the petitioners herein to approach the Tribunal after the representation is decided.
8. We have heard the learned counsel for the parties.

9. Section 20(2)(b) of the Central Administrative Tribunal Act, reads as under:

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

(1).....

(2)...

(a)...

(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.”

10. Reading of this section shows that although it is not mandatory in nature, however it contains a requirement that the Tribunal would not entertain an OA unless a representation is made to the concerned governmental authority and a period of six months thereafter has expired without any final order having been passed by such authority.
11. In this case, it is relevant to note that at the time of filing of the OA, no interim relief was claimed by the applicants/petitioners herein. In fact, in the column of *‘Interim Relief, if any prayed’* the petitioners had stated *‘Not at this stage’*. In all fairness, learned counsel for the petitioners submits that at the time of filing of the OA, no notice of termination of services had been received by the petitioners, hence no interim relief was sought. However, learned counsel for the petitioners is unable to explain as to why benefit of the liberty granted by the Tribunal in the impugned order has not been availed.

12. Resultantly, we find no infirmity in the order passed by the Tribunal.
The writ petition is accordingly dismissed.
13. However, it will be open for the petitioners to avail such remedy as may be available to them, in accordance with law.

CM.APPL 52994/2019(stay)

14. The application stands dismissed in view of the order passed in the writ petition.

G.S. SISTANI, J

ANUP JAIRAM BHAMBHANI, J

DECEMBER 10, 2019

pst