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Central Administrative Tribunal, Principal Bench

Original Application No. 953 of 2002

New Delhi, this the 15th day of April, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member(A)

Shri Saran Singh  
S/o late Shri Mool Singh  
R/o GH-5 & 7/341, Meera Bagh  
Paschim Vihar, New Delhi

- Applicant

(By Advocate: Shri R.K. Tomar)

Versus

The Director of Education  
Old Secretariat, Govt. N.T.C.  
Delhi

- Respondent

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Applicant had earlier instituted OA No. 1270/87 wherein he had sought to impugn disciplinary proceedings initiated against him. Aforesaid OA was disposed of by an order passed on 11.9.89 by directing as under:

"In the premises, the impugned order is hereby set aside and the respondents are directed to pay the subsistence allowance to the applicant on the basis of the salary revised by the Fourth Pay Commission w.e.f. January 1, 1986 till the date of his reinstatement. The respondents are directed to reinstate the applicant forthwith and in any case not later than within 45 days from today as also to pay him arrears of the subsistence allowance within the aforesaid period. The application is disposed of accordingly with no order as to costs."

2. Applicant had thereafter instituted contempt petition No. 664/2001 with a grievance that despite the aforesaid directions issued in the aforesaid OA, respondents had failed to implement the same. Aforesaid contempt petition was dismissed by an order passed on 5.12.2001 on the ground that the C.P. had been belatedly filed after a period of more than 12 years of the orders

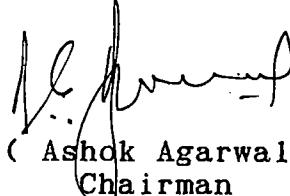
*V.A.*

passed in the OA. While dismissing the C.P., an observation was however made that "if the applicant has still any grievance, he is at liberty to agitate the same by filing a separate OA." Applicant, in the circumstances, has instituted the present OA whereby he has sought to impugn the aforesaid order passed on 11.9.89 in the ~~which, in our view, he cannot impugn before us which is a collateral Bench~~ aforesaid OA No. 1270/87. Whereas he has been directed to ~~in the aforesaid OA no 1270/87~~ be granted subsistence allowance, he in the present OA, claims that he ought to have been awarded full pay and allowances. He has, on that basis, claimed various consequential benefits which are multifarious in nature.

3. ~~Moreover~~ In our view, claim made by the applicant for full pay and allowances is hopelessly barred by limitation. Once the aforesaid claim cannot be granted, rest of the prayers contained in the OA also cannot be granted. Present OA, in the circumstances, we find is wholly devoid of merit. The same is accordingly dismissed in limine.

  
( S.A.T. Rizvi )

Member(A)

  
( Ashok Agarwal )  
Chairman

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