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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1120/2002

Tuesday, this the 30th day of April, 2002

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

Shri D.S.Hooda  
S/o Shri Surat Singh Hooda  
R/O Q.No.3/IV, Idgah Telephone Exchange Bldg.  
New Delhi-5

(Retired as Senior Accounts Officer (IA)  
MTNL Tex Building, Eastern Court  
New Delhi-50

...Applicant

(By Advocate: Shri S.C.Vats)

Versus

1. Union of India  
through the Member (Finance)  
Telecom Commission  
Sanchar Bhawan  
New Delhi
2. Chief General Manager Telephones  
Mahanagar Telephone Nigam Ltd.  
K.L.Bhawan, New Delhi

...Respondents

O R D E R (ORAL)

Justice Ashok Agarwal:

Shorn of unnecessary details and following facts, in our view, are sufficient for the disposal of the present OA.

2. Applicant on 31.8.1998 was promoted as Chief Accounts Officer on officiating and ad hoc basis. On 3.2.1999, a charge-sheet initiating disciplinary proceedings against him was served upon him. On 15.9.1999, applicant was reverted from the post of Chief Accounts Officer to that of his substantive post of Senior Accounts Officer. Applicant impugned the aforesaid order of reversion by instituting in the Delhi High Court CWP-6086/1999. By an order passed on 11.1.2001, aforesaid CWP, which sought to impugn the aforesaid order of reversion based on the issue of the

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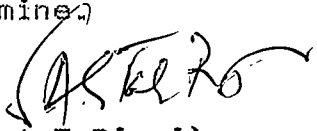
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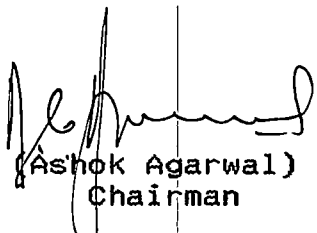
aforesaid charge-sheet, was dismissed. Applicant thereafter on 26.10.1999 submitted a representation claiming promotion to the post of Chief Accounts Officer. By the present OA, applicant seeks directions to set aside the aforesaid order of reversion of 15.9.1999. In our view, the claim made is wholly unsustainable particularly in view of the decision of the High Court in the aforesaid CWP-6086/1999 which has been dismissed on 11.1.2001.

3. Counsel appearing on behalf of the applicant has strenuously urged that the decision of the High Court is contrary to the decision of the Apex Court in the case of Union of India etc. etc. Vs. K.V. Jankiraman etc. etc., AIR 1991 SC 2010 and certain decisions of this Tribunal which has, inter alia, held that the issue of charge-sheet on a later date will not entail reversion from a promotional post which has already been granted.

4. In our judgement, the aforesaid contention cannot be countenanced as the decision of the High Court will operate as res-judicata against the applicant. In case, applicant was aggrieved by the aforesaid decision of the High Court, nothing prevented him from carrying the matter further to the Supreme Court. This not having been done, the order has become final and will bind the applicant.

5. Present OA is, in the circumstances, we find, is devoid of merit and same is accordingly dismissed in limine.

  
(S.A.T. Rizvi)  
Member (A)

  
(Ashok Agarwal)  
Chairman

/sunil/