

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O. A. No. 363/2002

New Delhi, this the 12th day of September, 2002.

Hon'ble Shri M. P. Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

ASI Ram Singh, No. 3421-D
PM Cell, Main Security Lines
DP, Vinay Marg, New Delhi .. Applicant
(Shri A. S. Kushwaha, Advocate)

Versus

Union of India, through

1. Secretary
Ministry of Home Affairs
North Block, New Delhi
2. Commissioner of Police, Delhi
IP Estate, MSO Building
New Delhi
3. Deputy Commissioner of Police
Headquarter (I)
New Delhi .. Respondents

(Shri Ajay Gupta, Advocate)

ORDER (oral)

Shri M. P. Singh, Member (A)

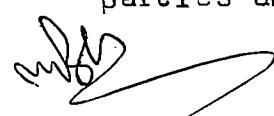
This is the second round of litigation by the applicant, in which he has prayed for the following reliefs:

(i) He should be given seniority in the grade of ASI (Ex.) w.e.f. 29.4.1992 and his inter se seniority should be restored with reference to his batch-mates for all purposes;

(ii) He should be considered for further promotions;

(iii) Respondents be directed to refund the amount deducted from his salary by way of forfeiture of increment and to remove the discrepancy in fixation of grade in relation to his batch mates.

2. We have heard the learned counsel for the parties and perused the records.



3. The learned counsel for the respondents has contended that the present OA is hit by principles of res-judicata inasmuch as that the applicant had earlier filed OA No.543/1995 seeking similar reliefs on the same grounds and that was dismissed by this Tribunal vide its order dated 27.8.1996. We have gone through the judgement dated 27.8.1996 in OA No. 543/1995 and we are satisfied that the facts stated by him as also the grounds taken by him in respect of the reliefs (i) and (ii) above in the present OA have already been discussed in detail in the aforesaid order dated 27.8.1996 before that OA was dismissed. In the aforesaid OA, the Tribunal has held that "In the facts and circumstances of the case we have no hesitation to say that the action of the respondents to withhold the applicant's name for promotion on the ground that his name was placed in the list of persons of doubtful integrity is in accordance with the relevant instructions in the standing order 265/87." The Tribunal in the aforesaid order has further held that the decision to continue applicant's name in the secret list of doubtful integrity till 21.11.1995 is also in accordance with these instructions. Once the action of the respondents in withholding the promotion of the applicant upto 21.11.1995 is held justified, he cannot claim seniority in the promotional post from the date earlier than the date of his actual promotion i.e. 22.11.1995.

4. In view of this position, we have no reason to take a contrary view in the present OA. In so far as relief (iii) above is concerned, respondents are directed to take appropriate action in accordance with rules and instructions on the subject and inform the applicant accordingly.

5. OA is, therefore, dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

M. P. Singh
Member (A)

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