

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.75/2002

This the 9th day of October, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

Jagdish Prasad Gupt
S/o late Shri Mauji Ram Bansal
R/o C-303, Sector-1, Avantika,
Rohini, Delhi.

-Applicant

(By Advocate: Shri P.I. Ooman)

Versus

Union of Indian & Ors.

-Respondents

(By Advocate: Shri M.K. Bhardwaj, proxy
for Shri A.K. Bhardwaj)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

We have heard Shri P.I. Ooman, learned counsel for applicant. He submits that he is himself handicapped because the original application has been filed by the applicant in Hindi which, incidentally is not the language of the Tribunal as per the Central Administrative Tribunal (Procedure) Rules, 1987. We have also thought it necessary to hear the applicant who is present in the Court. He has categorically submitted at the Bar today that he has challenged the penalty order dated 22.3.99 passed under Rule-16 of CCS(CCA) Rules, 1965, in OA-3130/2001 which was disposed of by order dated 20.11.2001. He is challenging the same order again in the present OA and other consequential actions taken by the respondents. Applicant states that he has filed a Review Application against Tribunal's order dated 20.11.2001 in OA-3130/2001 which is pending, on which notice has been issued. However, Shri M.K. Bhardwaj,

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learned proxy counsel for respondents has submitted an order dated 26.4.2002 by the same Single Bench who had passed the order in OA-3130/2001 in Review Application-26/2002, dismissing the review application for default and non-prosecution.

2. In the present application, it appears that the applicant is seeking multiple reliefs, including quashing of the aforesaid penalty order dated 22.3.99 which has already been dealt with in Tribunal's order in OA-3130/2001. That prayer is accordingly barred by principles of res-judicata.

3. Shri P.I.Ooman, learned counsel prays, on instructions from the applicant, that he may, in the circumstances of the case, be allowed to withdraw this OA and proceed in accordance with law, including filing OA in English in accordance with the relevant Rules if there is any grievance.

4. In view of the above, OA-75/2002 is accordingly dismissed as withdrawn, with liberty to the applicant to proceed as per law if any grievance survives.



(V.K. Majotra)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

cc.