

Central Administrative Tribunal, Principal Bench

Original Application No. 3034 of 2002

New Delhi, this the 27th day of November, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Dharam Chand Paul  
S/o Shri Manghoo Ram  
R/o A-60, Dayanand Colony,  
Lajpat Nagar-IV  
New Delhi-24

....Applicant

(By Advocate: Shri Rajan Saluja)

Versus

1. Director of Administration  
Directorate of Extension  
Ministry of Agriculture  
Krishi Vistar Bhawan, I.R.S. Pusa,  
New Delhi-12
2. Union of India  
Through the Secretary,  
Ministry of Agriculture,  
Department of Agriculture &  
Co-operative, Krishi Bhawan,  
New Delhi

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, Shri Dharam Chand Paul seeks that a direction should be issued to the respondents to give him promotion to the post of Superintendent Grade -I in the Directorate of Extension w.e.f. 1.1.86.

2. For purposes of the present application, it becomes unnecessary for us to go into the detailed facts all over again. The reason being that the applicant had earlier filed O.A.595/88 which was decided by this Tribunal on 17.4.90. Therein also, the applicant had prayed that he should be awarded the benefit of promotion to the post of Superintendent Grade-I and his grievance was that he has

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not been promoted. The said application had been dismissed by this Tribunal and operative part of the same reads -

"Be that as it may, having regard to the facts of the case, we do not find any justification in the claim of the applicant for promotion to the post of Superintendent (Gr. I), as the post is no longer available consequent to reduction in the sanctioned strength based on the recommendations of the SIU, Ministry of Finance. Accordingly the application is dismissed. Parties will bear their own costs."

3. In other words, the plea which the applicant raises now was available to him earlier also. His claim in this regard had been considered and rejected on the ground referred to above. Having failed to succeed in this regard, now he has no right to come once again simply on the ground that in the criminal case, he has been acquitted. This Tribunal had rejected the claim on the ground that the post was not available. In that view of the matter, present O.A. must be held to be without merit. It must fail and is dismissed in limine.

V.K. Majotra

( V.K. Majotra )  
Member (A)

V.S. Aggarwal

( V.S. Aggarwal )  
Chairman

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