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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1124/2002

This the 29th day of May, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Ombir Singh S/O Kalyan Singh,
R/O B-1/15, Lodi Road,
New Delhi.

... Applicant

(By Shri N.S.Verma, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Human
Resources Development,
Shastri Bhawan, New Delhi.
2. Secretary,
Department of Secondary &
Higher Education,
Ministry of Human Resources Development,
Shastri Bhawan, New Delhi.
3. Shri S.S.Chatrath,
Govt. of India,
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi.

... Respondents

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant has challenged Annexure A-1 dated 11.12.2001 whereby he was informed that he was considered for appointment as Stenographer Grade-C against Select List vacancy for the year 1999 but was not found fit for promotion by the DPC (Group "B"). Applicant has sought directions to respondents to consider him for promotion w.e.f. 1.8.1984 or at least from 30.8.1996 when his junior, respondent No.3, Shri S.S.Chatrath, was promoted.

2. We find from Annexure A-15 that applicant's earlier OA No.385/2002 challenging the same order as

impugned in the present OA was dismissed as withdrawn vide order dated 15.2.2002 without any liberty to applicant to re-raise the issue in a fresh OA, as has been done by him in the present OA.

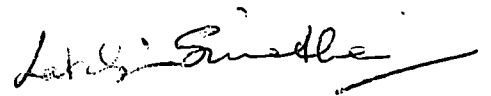
3. Shri N.S.Verma, learned counsel of applicant, stated that this time applicant has challenged the same order as impugned in the earlier OA on a different ground that applicant's junior had been promoted on 30.8.1996. We are of the considered view that nothing prevented applicant from challenging office memorandum dated 11.12.2001 in the earlier OA on the ground that his junior was promoted from 30.8.1996. An additional ground or a new ground does not exempt applicant from the bar of res judicata. The present OA is certainly barred by res judicata.

4. Present OA is also barred by limitation as whereas applicant's junior is stated to have been promoted in August, 1996 whereby the cause of action has arisen, the same is being assailed after an inordinate delay, i.e., on 29.4.2002, when the present OA was filed. This OA is badly barred by limitation as well.

5. Having regard to the reasons recorded and discussion made above, we do not find any merit in this OA, which is dismissed at the admission stage itself.



(V. K. Majotra)
Member (A)



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

/as/