

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2359/2001

New Delhi, this the 10th day of September, 2001

HON'BLE MR. SHANKER RAJU, MEMBER (J)

Shri Suresh K. Vachani
S/o Shri Khub Chand Vachani
R/o Qr.No.22, HC Old Type
Police Station,
Mandir Marg,
New Delhi-110001.

... Applicant
(By Advocate: Mrs. Prasanthi Prasad)

V E R S U S

Union of India, through

1. Commissioner of Police
Police Headquarters,
MSO Building
Indra Prastha Estate,
New Delhi.
2. Dy. Commissioner of Police
Hqrs. (I)
Indra Prastha Estate,
New Delhi.

... Respondents

O R D E R (ORAL)

Heard Mrs. Prasanthi Prasad, learned counsel
for the applicant.

2. The applicant in this OA has assailed adverse remarks in the ACRs' of the years 1982 to 1984. The applicant further stated that the adverse remarks have not been expunged and since the same is being considered against the applicant are detrimental to the promotional prospects of the applicant. In the year 1989, DPC was convened for promotion of eligible candidates and the case of the applicant was not considered due to adverse remarks in the ACR for the year 1983-84. The official concerned has recommended the applicant fit for promotion in its turn in the

year 1987. Despite this the applicant's ACRs are treated as adverse, the applicant being eligible in all respect.

3. I find that the applicant had approached this Tribunal in OA No.588/1994 and vide order dated 23.4.1997, this Tribunal had given directions to the respondents to hold the Review DPC as on 12.11.1999 to consider the case of the applicant for promotion. Thereafter the applicant had also filed an OA No.2940/1999 and vide order dated 4.2.1999, this Tribunal had rejected the OA 2940/1997 by making observation that the DPC has already declared the applicant unfit for promotion and the ACRs pertaining to all the years having adverse were rightly considered by the DPC.

4. In this view of the matter, I find that the matter has already attained finality and cannot be reopened.

5. In view of the above, the OA is barred by the doctrine of res-judicata. Apart from this challenge to the ACRs of 1982-1984 which is as per the ratio of Apex Court in State of M.P. Vs. S.S. Rathore (AIR 1990 SC 10) and as provided under Section 21 of the Administrative Tribunals ACT, 1985. This matter is hopelessly barred by limitation. The present OA is dismissed at the admission stage. No costs.

S. Raju

(SHANKER RAJU)
MEMBER(J)

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