

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.326/2001

New Delhi dated this the 1st April of 2002.

HON'BLE SHRI S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Sh.B.D. Sharma
S/o Sh.N.D.Sharma,
R/o Qrt. No.108/III,
N.H.4, Faridabad, Haryana
(By Advocate: None)

... APPLICANT

VERSUS

1. Union of India,
Through,
The Defence Secretary,
Ministry of Defence,
South Block,
New Delhi-110001.
2. The Chief of the Air Staff,
Air, Head Quarters, Vayu Bhawan,
New Delhi.
3. Air Officer Chief-in-Command,
Maintenance Command,
Air Force, Nagpur.
4. Commanding Officer,
No.56, A.S.P.
Air Force Station,
Faridabad.
5. DPA (Sh.J.H.Gadkar)
Air Head Quarters, Vayu Bhawan,
New Delhi.
6. JDPC(Smt.Dayal Ray),
Air, Head Quarters, Vayu Bhawan,
New Delhi.

... RESPONDENTS

(By Advocate: Sh. D.S.Mahendru)

ORDER(ORAL)

S.R. ADIGE, V.C.(A)

Applicant impugns respondents action in not granting him Highly Skilled Grade-I (H.S.Grade-I) w.e.f. 15.10.1985. He seeks a direction to the respondents to grant him H.S.Grade-I w.e.f. 15.10.1985 with consequential benefit.

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2. None for applicant even on second call. Shri D.S.Mahendru appeared for respondents have been heard. (12)

3. We are proceeding to dispose of the matter after perusal the materials on record and hearing Shri Mahendru.

4. Respondents in Para-2 of their reply on preliminary objections have stated that the present OA is barred by resjudicata, inasmuch as earlier OAs filed by the applicant bearing No.1757/1988 and No.2327/1993 have already been considered and dismissed vide Tribunal's judgments dated 22.9.1991 and 6.1.1994. This specific assertion of the respondents in their reply has not been denied by applicant in rejoinder. Indeed we note that applicant in Para-7 of the OA has himself admitted that he had filed O.A.1757/1988, earlier which was dismissed.

5. In the light of what has been stated above, respondents preliminary objection that the OA is hit by resjudicata ^{is sustained and} ~~and accordingly~~ we find no good reason to warrants interference in the O.A.

6. O.A. is dismissed. No costs.

S. Raju
(SHANKER RAJU)
MEMBER (J)

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(S.R. ADIGE)
VICE CHAIRMAN(A)

RB.