



Central Administrative Tribunal
Principal Bench: New Delhi

MA No. 669/2000 in
OA No. 1428/1999

New Delhi this the 1st Day of June, 2001.

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Dr. A.K. Belwal,
S/o Shri Purna Nand
R/o 137 Sukhdev Vihar,
P.O. Jamia Nagar,
New Delhi.

.... Applicant

(Applicant present in person)

Versus

1. The Union of India,
Through its Secretary,
Department of Economic Affairs,
IES Cadre Section,
North Block, New Delhi.
2. The Secretary,
Department of Personnel,
North Block, New Delhi.
3. The Secretary,
Planning Commission,
Yojana Bhawan
New Delhi.

.... Respondents

(By Advocate: R.N. Singh proxy for R.V. Sinha)

O R D E R (Oral)

Hon'ble Shri S.R. Adige, VC (A)

Applicant impugns Respondents' order dated 8.1.1996
(Annexure A-1).

2. Heard both sides.
3. It is not denied that pursuant to Tribunal's order dated 7.1.1999 in OA No. 1206/93 and connected OAs, respondents have held a review DPC, and issued OM dated 22.2.2000 (Annexed with Respondent's counter reply) revising the seniority list.

4. Dr. A.K. Balwal's grievance is now in respect of his position in the aforesaid OM dated 22.2.2000 which he contends is not in accordance with his seniority, and he has challenged the aforesaid OM dated 22.2.2000 in MA No. 669/2000.

5. Inter alia Shri Balwal has already contended that he remained on study leave for a period of five years from 1987 to 1992, during which he apprehends, that his CRs were not written and Ph.D. Degree that he has obtained pursuant to the study leave taken by him was not considered by respondents while determining his seniority.

6. As respondents OM dated 22.2.2000 gives applicant a fresh cause of action, if he is aggrieved by the same, the appropriate cause of action for him is to file a fresh OA instead of challenging the same through MA No. 669/2000. In such a fresh OA, it will be open to applicant to take all such grounds as are available to him, which will also give respondents a chance to reply to the same.

7. Accordingly, we give chance to applicant to challenge the order dated 22.2.2001 in accordance with law by means of a fresh OA. In this connection as applicant is deemed to have been pursuing his remedies through present OA No. 1428/99, the bar of limitation

shall be deemed to be waived in the event applicant files such fresh OA within four weeks from today.

8. Giving leave to applicant as aforesaid, OA-1428/99 & MA No.669/2000 stand disposed of. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

Mittal