

Central Administrative Tribunal, Principal Bench
New Delhi

R.A. No.326/2000 IN
O.A. No.1278/1998

New Delhi this the 28th day of September 2001

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. M. P. Singh, Member (A)

Shri M.S. Ritu
S/o Shri Badh Singh
Retired Dy. Supdt. II,
Central Jail Tihar,
R/o B-11/Central Jail,
Tihar, New Delhi-110059.

- Applicant

(By Advocate : Shri S.K. Sawhney)

Versus

1. Govt. of NCT of Delhi through
Principal Secretary (Home),
5, Shamnath Marg,
Delhi.
2. Deputy Secretary (Home) (Gen.),
5, Shamnath Marg, Govt. of NCT.
Delhi.

- Respondents

(By Advocate: Shri Vijay Pandita)

ORDER (ORAL)

Hon'ble Mr. Kuldip Singh, Member (J)

Heard Shri S.K. Sawhney, learned counsel for the applicant and Shri Vijay Pandita, learned counsel for the respondents in RA No.326/2000.

2. As regards the allegation, i.e., the date 1.12.1982 as it appears in paras 20 and 22 of the judgement is concerned, this has been wrongly typed there and it should have been 12.1.1982 as it has appeared in the later part of para 20. It seems to be a typographical error for which the learned counsel for the respondents has no objection. Similarly, as regards the amendment in the Rules, that should be taken as if the rules were amended in the year 1994 instead of 1997, for the same also, learned counsel for the respondents has no objection.

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3. The aforesaid corrections to be carried on in the judgement and corrigundum be issued.

4. The applicant ^{also} has ₂ prayed that in the judgement, it is mentioned that the applicant was unable to show that any one of his juniors in the cadre had been promoted to the post of Deputy Superintendent Grade-I that is why his case for promotion was not considered. However, he pointed out that the applicant came to know after the judgement was passed in his case ^{there} and the case of his juniors being OA No.276/97 had been allowed by the coordinate Bench of this Tribunal and consequent to the judgement, promotion order was issued on 26.2.2001 wherein junior to the applicant had been promoted. Therefore, the applicant's case should also be considered with regard to the promotion.

5. In reply to the aforesaid contention of the applicant, learned counsel for the respondents pointed out that the promotion order dated 26.2.2001 with regard to the applicant was also issued, which is evident from the Annexure PA-2 whereby the applicant was also granted promotion w.e.f. 16.5.1996. If the applicant now claims promotion from any earlier date that means a fresh cause has arisen to the applicant and for the same, the applicant should file fresh OA.


6. In our view, we find that the directions, as passed in OA No.276/97 were complied with by the respondents and simultaneously the case of the applicant was also considered and he had also been granted promotion to the post of Deputy Superintendent Grade-I w.e.f.16.5.1996. If he is still aggrieved the date of his promotion that means a fresh cause of action has

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arisen to the applicant which relief he cannot claim in the present RA. The applicant is granted liberty to agitate the same by filing a fresh OA, if so advised.

7. The present RA is disposed of in the aforestated terms.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)


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