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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...
OA No. 2044/98

New Delhi, this the 1st day of February, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Mool Chandra,
Dy. Director,
Deptt. of Statistics,
Min. of Planning & P.I.,
S.P. Bhawan, Sansad Marg,
New Delhi- 110 001.

.....Applicant

(Applicant in person)

Vs.

Union of India through

1. The Secretary,
Deptt. of Statistics,
Min. of Planning & P.I.,
S.P. Bhawan, Sansad Marg,
New Delhi.

....Respondent

(By None)

O R D E R

delivered by Hon'ble Shri T.N. Bhat, Member (J)

We have heard the applicant who has already filed the amended O.A. pursuant to our direction contained in our order dated 26.11.1998.

2. The applicant in this OA, who belongs to the Indian Statistical Service (I.S.S., for short), assails the action / inaction on the part of the respondents in not amending the relevant recruitment rules and including therein a provision for continuing reservations even in the higher posts of ISS. According to the applicant he had a fundamental right to secure promotion under the reservation policy of the Government and that, therefore,

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1.2.99.

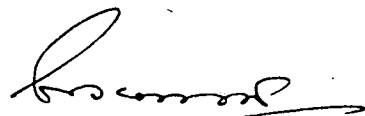
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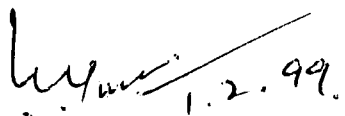
no order passed by the respondents withdrawing such policy of providing reservation in promotion would be violative of Articles 14 & 16 (1) of the Constitution of India.

3. During the course of his arguments the applicant admitted in so many words that what he really assails in this OA is an earlier judgement of the Calcutta Bench of this Tribunal in OA No. 336/88 which had been filed by one Sh. T.R. Mohanty against the Union of India and Another and the judgement in which was latter upheld by the Hon'ble Supreme Court in Civil Appeal No. 3844/89. The applicant would argue that the Union of India did not properly watch the interests of the persons belonging to the reserved categories and, therefore, according to him, the matter was not correctly adjudicated upon either by the Tribunal or by the Apex Court. Interestingly, the applicant admits that he was a party respondent in the aforesaid matter before the Calcutta Bench as well as the Hon'ble Supreme Court.

4. In the circumstances discussed above, this OA would clearly be hit by the principles of res judicata apart from being not maintainable on the ground that no such OA assailing the correctness of an earlier judgement and that too one which has been upheld by the Hon'ble Supreme Court would lie.

5. For the foregoing reasons we dismiss this O.A. in limine.


(S. P. Biswas)
Member (A)


(T. N. Bhat)
Member (J)

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