

6

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1587/1996

New Delhi, this 17th day of February, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Smt. Shanta Shastry, Member(A)

1. Mrs. Sushma Kapoor
13B, MIG Flats, Gulabi Bagh, New Delhi
 2. Ms. Urmila
1838, Chowk Shah Mubarak
Sitaram, Delhi-6
 3. Smt. Urvi Sudan
C-20A, Railway Colony
Lajpat Nagar, New Delhi
 4. Smt. Shama Sharma
L-39A, Malviya Nagar, New Delhi
 5. N.S. Bisht
770, Aliganj
Lodhi Road, New Delhi
- .. Applicants

(By Shri S.K.Sahwney, Advocate)

versus

1. Union of India, through
General Manager
Northern Railway
Baroda House, New Delhi
2. Mohan Lal Meena) All working as Office Supdt.I
3. S.N.Rout) General Branch, N/Rly
4. Pyarelal) Baroda House
New Delhi .. Respondents

(By Shri B.S.Jain, Advocate for R-1
Shri P.M.Ahlawat, Advocate for R-2 to R-4)

ORDER(oral)

Hon'ble Shri Justice Ashok Agarwal

In our view the present OA is hit by principles of resjudicata and hence the same has to be dismissed. Applicants herein had earlier approached this Tribunal by filing OAs No.2387/95 and 2345/95. The contesting respondents in the present OA were also parties in the aforesaid OAs. By an order and judgement dated 25.10.99, this Tribunal inter alia observed as under:

"17(2) Even though the promotion of R-2, 3 and 4 to Grade II of OS was prior to the date of the decision of the Supreme Court in R.K.Sabharwal and Virpal Singh Chauhan (supra) the advantage gained by them in the seniority vis-a-vis the applicants

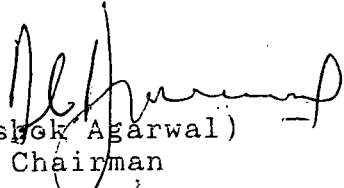
is not protected by the 'prospectivity' in regard to the application of the ratio of the aforesaid judgement. Since promotion of R-2, 3 and 4 to Grade I is only on ad hoc basis, such promotion is also not protected.

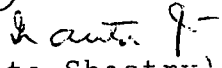
"18. In the result the OA is allowed. The respondents are directed to consider the applicants for promotion to the post of OS Grade I on the basis of their revised seniority in terms of Ajit Singh Vs. State of Punjab & Ors. (supra) with all consequential benefits"

The prayer that is contained in the present OA is also the same which has been granted in the aforesaid OAs.

2. Learned counsel for the contesting respondents pointed out that a writ petition against the aforesaid judgement has been filed before the High Court and the same is pending. Interim order of status quo has also been granted. In our view, even though the aforesaid judgement is pending consideration in the High Court, the aforesaid order passed by this Tribunal is binding on us. It is not open for us to take a conflicting view to the one taken earlier.

3. In the circumstances, the present OA is dismissed as being barred by resjudicata. No order as to costs.


(Ashok Agarwal)
Chairman


(Smt. Shanta Shastri)
Member(A)

/gtv/