

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1255/97

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 21st day of July, 2000

Manjit Singh
aged about 44 years
s/o Shri Ranjit Singh
G-23, Hari Nagar
G-Block
New Delhi - 110 058. Applicant

(By Shri Surinder Singh, Advocate)

Vs.

1. Union of India through
The Secretary
Ministry of Urban Development
Nirman Bhawan
New Delhi - 110 011.
2. The Director General of Works
C.P.W.D., Nirman Bhawan
New Delhi - 110 011.
3. The Secretary
U.P.S.C.
Shahjahan Road
New Delhi - 110 001. Respondents

(By Shri R.V.Sinha, Advocate)

O R D E R (Oral)

By Smt. Shanta Shastry, M(A):

The applicant who is aggrieved that he was denied the promotion to the post of Assistant Engineer (Technical) despite having qualified in the Limited Departmental Competitive Examination of 1982. He has therefore prayed to direct the respondents to amend total number of vacancies for LDCE of 1982 from 50 to 65 and interpolate his name in the final select list for promotion to Assistant Engineer (Electrical) and to accord deemed promotion from the date of passing of the examination.

2. The learned counsel for the respondents has taken two preliminary objections. He submits that the OA is time barred and hit by limitation as the matter pertains to 1982. Secondly it is covered by resjudicata as the applicant had filed an OA No.680/88 earlier along with another person in this very Tribunal on the same issue. The OA was decided on 9.9.1993 by dismissing the same. Therefore present OA needs to be dismissed straightaway. // The learned counsel for the applicant has filed MA for condonation of delay stating that the facts came to his notice only in May, 1997 through a counter reply filed by the respondents in another OA.

3. We have heard the learned counsel for the applicant as well as the respondents and have perused the pleadings and also perused the decision in OA No.680/88. We find that the application is indeed hit by limitation as the cause of action has arisen between 1982 to 1985 and the applicant has filed the OA on 23.5.1997. The reasons given in the MA for condonation of delay are not at all satisfactory in ~~order~~ to consider the same. The application therefore deserves to be rejected on this very ground.

4. We also find that the judgement dated 9.9.1993 in OA No.680/88 in the matter of Shri S.Awtar Singh Grover & Another(Shri Manjit Singh, the present applicant) Vs. Union of India that the applicant had sought the same relief in the that OA as he has done now in the present OA. This is squarely covered by resjudicata and therefore both on the ground of limitation as well as on the ground of resjudicata the

11

OA deserves to be dismissed. Accordingly, the OA is dismissed. Though the applicant has mentioned about his having approached this Tribunal through OA No.680/88, he has stated that the present point was not within his knowledge and since it came to his knowledge only in May, 1997 therefore it could not be agitated in the earlier OA. We are unable to accept this, as we find that the same issue had been agitated in OA No.680/88. Therefore we order Rs.1000/- (Rupees One Thousand Only) as cost on the applicant which should be paid by him to the respondents.

Shanta Shastray

(SMT. SHANTA SHAstry)
MEMBER(A)

Ch. Rajagopal Reddy

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/