

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1394 of 1997

2

New Delhi, dated the 5th June, 1997

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. S.R. ADIGE, MEMBER (A)

1. Shri K.K. Singh,
13/1, Raj Nagar,
Ghaziabad.
2. Shri S.S. Panwar,
R/o as above
3. Ms. Ruby Srivastava,
P-9, Ferro Flats,
New Delhi-3.
4. Shri A.K. Sinha,
A-12/C, MIG Flats, Mayapuri,
New Delhi.
5. Ms. R. Bhama,
R/o as above.

... APPLICANTS

By Advocate: Shri Narender Kaushik

VERSUS

1. Union of India
through the Secretary (Revenue),
Ministry of Finance,
North Block,
New Delhi.
2. Chairman,
C.B.D.T.,
North Block,
New Delhi.
3. Chairman,
U.P.S.C.,
New Delhi.

... RESPONDENTS

ORDER (Oral)

BY HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

Heard on admission.

2. By this petition the applicant made prayer for directing the Respondents to hold DPC Meeting for vacancies for the year 1997-98. They further prayed for a direction to consider all existing vacancies and anticipated vacancies and prepare panel

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3 accordingly for the vacancies of 1997-98 on the basis of ACRs upto March, 1996.

3. These petitioners had earlier filed O.A. No. 611/97 making more or less similar prayers. By order dated 18.3.97 in that O.A. it was observed

"..... a direction from this court to respondents to conduct DPC for the post of DCIT which has arisen due to creation, promotion, retirement in addition to existing vacancies in the year 1997-98 and make requisite panel accordingly. We of the opinion that we cannot call upon to grant the relief as sought for for the simple reason that we do not propose to run the department from this place rather it is for the deptt. to make appropriate panel and hold DPC in accordance with the rules and we cannot presume that the deptt. would violate the extant rules in this regard."

4. We are of the view that in the second petition the same relief cannot be entertained. But ld. counsel submitted that subsequent to the date of the order made in O.A. No. 611/97 DPC was held on 20/21.3.97. In Para 3 of Misc. Application filed by Respondents in O.A. No.611/97 (Ann. B/Page 24) the Respondents had submitted

" That the DPC met on 20/21.3.97 and have drawn up a panel by following the existing instructions of the DOPT in the matter. The DPC for promotion to the post of DCIT considered the vacancies of the year 1996-97 only."

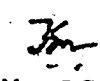
5. Ld. counsel submitted that this application of the Respondents was also rejected by the Tribunal. According to him as per submissions made in the application

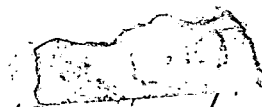
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the Respondents had considered vacancies of the year 1996-97 only and therefore a fresh cause of action arose to the applicant to move the Tribunal for direction to the Respondents to take into consideration the vacancies for the subsequent year 1997-98.

6. We are not impressed by this argument. The earlier prayer of similar nature was rejected by this Tribunal in O.A. No. 611/97 on 18.3.97.

7. Under the circumstances we find no case to allow the petitioners to re-agitate the matter which was already concluded by an order of this Tribunal on 18.3.97 in O.A. No. 611/97. This petitioner is therefore summarily rejected. No costs.


(K.M. AGARWAL)
Chairman


(S.R. ADIGE)
Member (A)

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