

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-1601/97

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New Delhi this the 16th day of July, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Jag Mohan,  
S/o Sh. Babu Ram Kesar,  
B-4, Mukhram Garden,  
P.O. Tilak Nagar,  
New Delhi-18. .... Applicant

(Applicant in person)

versus

1. Union of India,  
Ministry of Defence,  
South Block,  
New Delhi.
2. DGEME,  
Army Headquarters,  
DHQ PO New Delhi-11.
3. Headquarters,  
Technical Group EME,  
Delhi Cantt-10.
4. Commandant,  
505, Army Base Workshop,  
Delhi Cantt. .... Respondents

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

In view of the fact that the applicant has stated in his O.A. that because of his impending superannuation, the application may be heard earlier and we decided to pass a final order today itself.

The cause in this application has arisen in the year 1979 and no application for condonation of delay is filed alongwith the O.A. We are unable to exercise our jurisdiction under Section 21 of the Administrative Tribunals Act, 1985.

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Even otherwise, the applicant had on the basis of the same cause of action filed a suit (No.540/84), which stood transferred to this Tribunal vide TA No.315/86 and the claim of the applicant was rejected vide an order dated 12.2.92. Thereafter he filed a review application (No.382/93) in TA-315/85 and the same was also dismissed on 27.1.94. Aggrieved by the said orders, the applicant approached the Hon'ble Supreme Court and his case was dismissed on 27.8.94. In the circumstances, we are afraid that the cause being the same in this O.A. as well, we are unable now to issue notice.

In view of his retirement, the only observation we would like to make in this application, is that the judgement in the O.A. as well as in R.A. had clarified that his appointment as Stenographer is not a promotion from the post of UDC rather it is by way of transfer. The respondents should in the circumstances correct the records of the applicant as stated in the foregoing judgements and proceed to pay the pension in accordance with the rules in time so that he may retire in peace.

The applicant at this stage seeks permission to withdraw this O.A. Permission granted. Accordingly, this O.A. is dismissed as withdrawn.

  
(S.P. Biswas)  
Member(A)

/vv/

  
(Dr. Jose P. Verghese)  
Vice-Chairman(J)