

Central Administrative Tribunal
Principal Bench

OA 953/2000

New Delhi this the 6th day of June, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Subhash Chander Sharma,
7575, Old Ice Factory, Gali No.1,
Ram Nagar, New Delhi-55.

... Applicant.

(By Advocate Shri Neeraj Shekhar)

Versus

Union of India through

1. The Secretary,
Staff Selection Commission,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-3.
 2. The Chairman,
Staff Selection Commission,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-3.
 3. The Secretary to GOI,
Department of Personnel & Training,
Ministry of Home Affairs,
North Block, New Delhi.
- ... Respondents.

(By Advocate Shri R.P. Aggarwal)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

This O.A. has been filed by the applicant impugning the Office Order dated 2.5.2000 passed by the respondents transferring him from Staff Selection Commission (Hqrs.) New Delhi to their Calcutta Office. He has relied on the order passed by the Hon'ble Supreme Court dated 24.4.2000 in a SLP filed by him (copy placed at Annexure A-2).

2. Shri R.P. Aggarwal, learned counsel has submitted that in pursuance of the Dasti notice issued by the Tribunal on 24.5.2000, he has filed short reply

js

4

to the O.A. with copy by speed post to the applicant. A copy of the reply has also been placed on record. In this reply, the respondents have annexed a copy of the order passed by the Tribunal dated 11.5.2000 in OA 825/2000 in which also the applicant had prayed for stay of the operation of the impugned order dated 2.5.2000 which he has again prayed for in the present O.A. Shri R.P. Aggarwal, learned counsel has submitted that the applicant's cause of action in the present O.A. is, therefore, barred by the principles of res judicata.

3. I have also heard Shri Neeraj Shekhar, learned counsel, who has submitted that liberty had been granted by the Tribunal's order dated 11.5.2000 in OA 825/2000. This has been correctly objected to by the learned counsel for the respondents. Apart from that, learned counsel for the applicant admits that the prayer for interim relief and the main relief in this O.A. is identical to the facts, issues and prayers that were raised in the previous O.A. 825/2000 which has been disposed of by order dated 11.5.2000.

4. In the above facts and circumstances of the case, this O.A. is not maintainable as it is barred by the principles of res judicata. O.A. is accordingly rejected. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'