

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 558
T.A. No.

1986.

DATE OF DECISION January 28, 1987.

Shri Vijay Kumar

Petitioner

Shri R. Venkataaramani,

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Shri P.H.Ramchandani

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K.Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to other Benches? *No*


(Kaushal Kumar)
Member
28.1.1987.


(K.Madhava Reddy)
Chairman
28.1.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO.OA 558/86.

Shri Vijay Kumar Applicant
Versus

Union of India Respondent

CORAM:

Shri Justice K.Madhava Reddy, Chairman.

Shri Kaushal Kumar, Member.

For the applicant ... Shri R.Venkataramani, counsel.

For the respondent ... Shri P.H. Ramchandani, Sr.counsel.

(Judgment of the Bench delivered by
Shri Justice K.Madhava Reddy, Chairman)

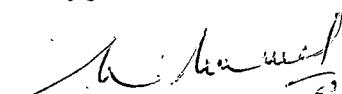
This is an application calling in question the order of termination of Services dated 24.7.1982. That order of termination was challenged before the Delhi High Court in Civil Writ Petition No.3886/1982. A Division Bench after considering the contentions raised by the applicant dismissed that Writ petition on 4.2.1983.

Suppressing these facts, the applicant filed an application before this Tribunal as if the order of termination was being challenged for the first time. This application was filed on 24.6.1986. Even on that date, the application was barred by time. He, therefore, filed a petition for condonation of delay. Now the respondents have brought to our notice that this order of termination was the subject matter of an earlier Writ Petition filed before the Delhi High Court. That petition having been dismissed by Delhi High Court, the present application cannot be entertained by this Tribunal under Section 19 of the Administrative Tribunals Act,1985. In order to get over that objection which is vital to this application, the applicant states that he was not then aware of the fact that the order of termination was based on a complaint made by one Shri Dayal Das, the then Senior Scientific Officer

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Before filing the writ petition in the Delhi High Court, the applicant should have ascertained all the necessary facts. Having failed to do so, it is not now open to him to file a fresh application alleging that this fact has come to his notice for the first time when he met the Secretary, Department of Electronics on 12.9.1984. Any such information does not furnish a fresh cause of action to him to challenge the very same order of termination of service which formed the subject matter of the earlier writ petition. This application is, therefore, barred by principles of res judicata; it is also time-barred. Application is accordingly dismissed.



(Kaushal Kumar)
Member
28.1.1987.



(K. Madhava Reddy)
Chairman
28.1.1987.