

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

MP 2090/93, MP 2091/93,
R.A.224/93 in
O.A.1001/87

Date of decision: 30.7.1993.

Surya Prakash Agarwal

... Petitioner.

Versus

Union of India.

... Respondent.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

.. Present in person.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

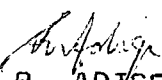
The Review Application No. 224/93 is for reviewing the judgement rendered in O.A.1001/87 on 27.7.1997 which has been dismissed. There is an application for condonation of delay as also an application for amendment. Assuming for the sake of arguments that both these applications, application for condonation of delay as also application for amendment, are allowed, we have to find out if there is any merit in this case. We have seen the entire records in this case and we are satisfied that there is absolutely no merit in the case. The grievance of the petitioner as is clear from the prayers made in O.A.1001/87 was to seek direction for payment of one day salary which has been withheld. The claim of the petitioner is hopelessly barred by time. The petitioner in the Review Petition says that his grievance was

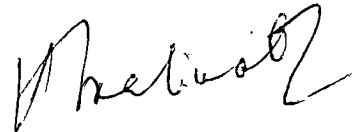
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composite in the sense that he had also sought annulment of his termination from service. He, therefore, says that part of his grievance remained unexamined. On a careful examination, we do not find that there is any prayer made for annulment of termination from service. The petitioner, who argued his case in person, invited our attention to paragraph (iii) of the prayer clause wherein there is a general prayer for passing such orders or directions as the Court may in the circumstances deem fit, just and proper. This is only a general prayer which cannot be made use of for enlarging the scope of the main prayer in the main application. It is, therefore, not possible to understand the D.A.1001/87 as an application in which he has sought relief in regard to his wrongful termination. We are satisfied that this is not a case calling for interference. The application was liable to be dismissed as barred by limitation even assuming for the sake of arguments that the termination is also one of the reliefs, as impliedly sought. Hence, there is no substance in the review application. It is accordingly rejected.

2. The petitioner appears to be very much interested in moving the Tribunal on one pretext or the other. Several applications which were untenable have been rejected by the Tribunal. At one stage of the proceedings, the previous Chairman had to observe that the conduct of the petitioner may even warrant action being taken under the Contempt of Courts Act. Be that as it may, we are satisfied that there

is no substance in the Review Application. We dismiss the application for condonation of delay as also application for amendment. But having regard to the circumstances by way of indulgence, we refrain from taking action against the petitioner for the abuse of the process of the Court. It is enough to say that any repetition of such attitude may entail serious action being taken. No costs.


(S.R. ADIGE)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

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