

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 572
T.A. No.

198 7

DATE OF DECISION April 28, 1987.

Dr. Brijendra Prasad,

Petitioner

In person.

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent s

None.

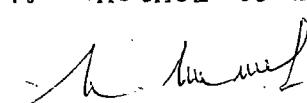
Advocate for the Respondent(s)

CORAM :

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

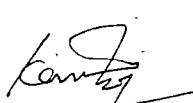
The Hon'ble Mr. Kaushal Kumar, Member.

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

28.4.1987.


(K. Madhava Reddy)
Chairman

28.4.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO.OA 572/87.

April 28,1987.

Dr. Brijendra Prasad

Applicant

Vs.

Union of India and others ...

Respondents.

CORAM:

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

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant Applicant present in person.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K.Madhava Reddy, Chairman).

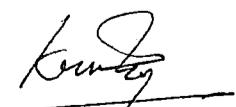
In this application under Section 19 of the
Administrative Tribunals Act,1985 (in short "The Act")
the applicant calls in question the order of the
Government of India, Ministry of Defence, New Delhi,
dated 7.3.1984 (Annexure I) under which the President
imposed penalty of dismissal and removal from service
with immediate effect and also directed that loss
caused to government by him due to illegal payment
of subsistence allowance shall be recovered by
forfeiture to government/all the credits in his General
Provident Fund account number 323813 and any other
money payable to him by government like Insurances
(CGEI) etc. That order was challenged by him by way of
a writ petition before the Gujarat High Court which
was transferred to the Ahmedabad Bench of the Central
Administrative Tribunal under Section 29(1) of the Act
and was registered as TA 25/86. The applicant who is
present in person states that apart from that writ
petition, he had also filed two other writ petitions



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before the Gujarat High Court - one questioning the adverse entries in his C.Rs. and another seeking a writ of mandamus against the respondents to furnish the annual accounts of General Provident Fund. Those writ petitions were also transferred to the Ahmedabad Bench of the Central Administrative Tribunal and all the three writ petitions were dismissed by the Ahmedabad Bench of the Central Administrative Tribunal. He filed another application No.OA 211/86 challenging the very same order of dismissal from service dated 7.3.1984. That application was summarily rejected by the Ahmedabad Bench of the Central Administrative Tribunal vide orders dated 28.8.1986 on the ground that an L.P. Appeal was pending before the Gujarat High Court. How far that order is correct, it is not for us to go into it. Suffice to state that as the order dated 7.3.1984 which formed the subject matter of the writ petition and which stood transferred to the Ahmedabad Bench under Section 29(1) of the Act was dismissed and another original application filed under Section 19 of the Act before the Ahmedabad Bench of the Central Administrative Tribunal questioning the very same order of dismissal from service dated 7.3.1984 was also rejected, it is not open to the applicant once again to challenge ^{the same} by another application under Section 19 of the Act before the Central Administrative Tribunal. Neither the Ahmedabad Bench of the Central Administrative Tribunal nor the Principal Bench would be competent to entertain any fresh application challenging that very order ^{which} was dismissed by the Ahmedabad Bench of the Central Administrative Tribunal. The applicant's remedy, if any, is by way of an appeal to the Supreme Court and not by way of another application before any bench of the Central Administrative Tribunal. On this short ground, this petition is dismissed.


(Kaushal Kumar)
Member
28.4.1987.


(K. Madhava Reddy)
Chairman
28.4.1987.