

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

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REGN. NO. D.A. 1224/87.

DATE OF DECISION: 1st January, 1993.

V.K. Bhatnagar.

... Petitioner.

Versus

Union of India
through the Secretary,
Ministry of Planning,
Parliament Street,
New Delhi.

... Respondent.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... None.

For the Respondent.

... Shri P.P. Khurana, C

JUDGEMENT (ORAL)

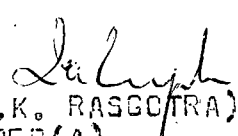
(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

None appeared for the petitioner. Shri P.P. Khurana, Counsel, was present on behalf of the respondents. As this is a very old matter, we consider it proper to peruse the records, hear the learned counsel for the respondent and dispose of the matter on merits.

2. The petitioner has prayed in this case for a direction to the respondent to assign him seniority in the grade of Assistant Director (Grade IV) of the Indian Statistical Service w.e.f. 29.12.1976, the date on which his immediate junior belonging to same department was promoted to the grade of Assistant Director. Shri Khurana, learned counsel for the respondents, submitted that on the basis of the material produced by the petitioner it is clear that the petitioner's claim is barred by general principle of res judicata. The petitioner has produced the copy of the judgement of the High Court in Civil Writ ✓Petition No. 514 of 1980 filed by the petitioner. It is clear from

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the said judgement rendered on 7.5.1980 that the petitioner had claimed seniority with effect from the date on which his junior was promoted which happened to be 5.1.1977. The claim of the petitioner was rejected both on the ground that the claim is stale as also on the ground that he has no right to go on deputation and also on the ground that when his case for ad hoc promotion to the post of Assistant Director was considered ^{and} it was found that he was not found fit and suitable for such selection. The High Court has pointed out that the only right of the petitioner was for consideration of his case, which right has been respected as his case was considered and he was not promoted on the ground that he was not fit for the post at that time. It is, therefore, clear that the claim of the petitioner for promotion stands clearly concluded by the judgement of the Delhi High Court whose jurisdiction the petitioner had invoked. Hence, on the general principle of res judicata, it has to be held that the present application is not maintainable. The present application is accordingly dismissed. No costs.


(I.K. RASGOTRA)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN

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