

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

8

OA No.308/90.

New Delhi, this the seventh day of June, 1994.

SHRI J.P. SHARMA, MEMBER(J).

SHRI B.K. SINGH, MEMBER(A).

Shri Alam Chand Verma,

S/o Late Shri Choudhary Mohkam Singh,

Sr. PET (Retd),

R/o: 387/7 E/1, East Azad Nagar,

DELHI!57.

...Applicant

By advocate : Shri Vivekanand, through not present.

VERSUS

1. Lt. Governor,
through Chief Secretary,
Delhi Administration, Old Secretariat,
5, Sham Nath Marg,
Delhi.

2. Director of Education,
Delhi Administration, Directorate of Education,
Old Secretariat, Delhi.

3. Joint Director of Education (Adm.),
Delhi Administration, Directorate of Education,
Old Secretariat, Delhi.

...Respondents

By advocate : Mrs. Avnish Ahlawat.

ORDER (ORAL)

SHRI J.P. SHARMA:


The applicant was a Senior P.T.I. who has already retired when he filed this application in March, 1990. The applicant filed a Writ Petition No.935/76 along with 3 others similarly situated petitioners in Delhi High Court in which he has sought the declaration for assignment of due seniority on the basis of length of service. The Delhi High Court by its judgment dated 01-09-1980 declined to grant the relief to the petitioners whereafter the matter was taken up with the Hon'ble Supreme Court in Civil Appeal No.2061/81 and 2677/81 which was decided by the Order dated 9-10-87


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and the order of Delhi High Court was upheld. This case relates to S.C. Sharma and others v. Surat Pal Mandal and Others and also covers Civil Writ Petition no.16007 and 16008 of 1984 along with C.M.P. no.24097/1987. The counsel for the respondents argued that the present application is barred by limitation and also that the principles of res judicata are applicable whereby the issue of seniority which has already been decided earlier by Delhi High Court cannot now be re-agitated and cannot be adjudicated by the Tribunal. We have gone through the various judgments on record even one that of Rama Chand Sharma and find that the issue in question is similar with the issue which has already been considered by the Delhi High Court in the cases referred to above. Also when the case was admitted by the Tribunal by its order dated 10-9-90, the question of limitation was kept open. The present petition was filed after the applicant has already superannuated and he is praying for the grant of the relief of seniority as well as benefit of selection grade w.e.f. 5-9-1979. This claim is totally barred by limitation.

2. None is present on behalf of the applicant. Mrs. Aynish Ahlawat appeared for the respondents and assisted us in going through the record of the case. The application is, therefore, dismissed as devoid of merit, leaving the parties to bear their own costs.


(B.K.SINGH)
MEMBER(A)


(J.P.SHARMA)
MEMBER(J)

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