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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. O.A. 2668/91

Date of decision 26.5.1992

Dhanpat Rai Bhatti

Applicant

In person

Counsel for the applicant

vs.

Secretary, Ministry of Water Resources & Ora.

Respondents

Shri M.L. Verma

Counsel for the respondents

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The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Mr. P.S. Hakeeb Mohamed Member (A).

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(Judgment of the Bench delivered by Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J))

J U D G M E N T

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act of 1985 seeking directions to the respondents to fix his inter se seniority in the light of the principles evolved by the UPSC clarified in their letter dated 24.9.83. He has also prayed for consequential benefits.

2. Respondents on notice appeared and filed their counter. The respondents have raised the preliminary objection:-

- (i) that the O.A. is barred by limitation and
- (ii) that the O.A. is also hit by the doctrine of res-judicata.

3. We have heard the applicant and also Shri M.L. Verma, counsel for the respondents and proceed to dispose of the O.A. at the admission stage itself.

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4. The applicant filed this O.A. on 12.11.91 and has sought relief with regard to the cause of action which arose on 24.9.83. At that time when the cause of action arose, the applicant could have challenged the impugned order either by filing a civil suit in a civil court or by filing a writ petition in the High Court under Article 226 of the Constitution of India. The Administrative Tribunals Act came into force on 1.11.1985 and the cause of action for seeking remedy in this Tribunal started from that date. 11 months lapsed in the year 1985. Thus, this O.A. is clearly barred by limitation.

5. The applicant has filed an M.P. containing the prayer for condonation of delay. We have perused the M.P. There ^{has} should have ~~been~~ laid grounds showing clearly sufficient cause which prevented him from filing this O.A. in the year 1985 within the period of limitation, but the M.P. is bereft of any details or grounds which would justify the sufficient cause. Hence, we are unable to exercise our powers under sub-section (3) of Section 21 of the Act for condoning the delay. This M.P. is, therefore, rejected.

6. It also appears that for the same relief, which has been prayed for in this O.A., the applicant filed O.A. No. 9/86, which was dismissed on 15.12.89. Thereupon the applicant filed review application No. 27/90 which was dismissed on 28.3.90. Thereupon, he challenged the orders of this Tribunal by filing an SLP before the apex court. SLP No. 10254/90 was dismissed on merits on 24.10.91 by the Hon'ble Supreme Court. On the same cause of action, the applicant has again filed this O.A. Thus, this O.A. is also hit by the principles of res-judicata. The previous litigation between the same parties involving the same issues once decided cannot be re-opened. The applicant contended that he is unrepresented, that he does not know the law, that he only seeks the implementation of the direction of the UPSC etc. etc. These arguments are no ground for reconsideration of the stale issue which stands finally adjudicated by the apex court.

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7. Thus, this O.A. is not only barred by limitation, but is also barred by res-judicata. Hence, we dismiss this O.A. with no order as to costs.


(P.S. HABEED MOHAMED)

MEMBER (A)


(RAM PAL SINGH)

VICE-CHAIRMAN (I)