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Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-225/93

New Delhi this the 13th Day of July, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman  
Hon'ble Mr. B.N. Dhoundiyal, Member (A)

Shri D.V. Anand,  
S/o late Sh. B.L. Anand,  
R/o 30/43, Old Rajinder Nagar,  
New Delhi.

Applicant

(By advocate Sh. George Paricken)

versus

1. Union of India,  
through the Secretary,  
Ministry of Agriculture,  
Dept. of Animal Husbandry  
and Dairying,  
Krishi Bhawan,  
New Delhi-1.

2. The General Manager,  
Delhi Milk Scheme,  
West Patel Nagar,  
New Delhi-8.

3. Mrs. Vanita,  
Steno,  
Delhi Milk Scheme,  
West Patel Nagar,  
New Delhi-8.

Respondents

(None for Respondents No. 1 & 2. Respondent No. 3  
through Sh. O.N. Moolri)

ORDER (ORAL)  
delivered by Hon'ble Mr. Justice S.K. Dhaon, Chairman

The seniority list published on 7.12.1992 is  
being impugned in the present O.A.

The controversy centres round the determination  
of the inter-se seniority of the applicant and  
Smt. Vanita (Respondent No. 3). In the impugned list  
Smt. Vanita has been shown senior to the applicant.  
She has been put at Sr. No. 2 whereas the applicant has  
been put at Sr. No. 3. It appears to be an admitted  
position that the impugned seniority list has been

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prepared by the respondents in pursuance of the judgement dated 13.7.1992 of this Tribunal in TA-1166/86 which arose out of a writ petition No. 1738/85 filed before the High Court of Delhi.

In the opening paragraph of the judgement given in TA-1166/86, the reliefs claimed by the applicant therein (Smt. Vanita) are catalogued. Relief (a), is material for the purpose of the present O.A. and the same may be extracted:-

"Directing the respondents to treat the petitioner as a regular appointee against a regular post of Senior Stenographer w.e.f. 21.10.1980 when she was initially promoted as Senior Stenographer after having stood first in the competitive test held amongst Junior Stenographers for filling of posts of Senior Stenographers out of the  $66\frac{2}{3}\%$  promotion quota."

This Tribunal in paragraph-6 of its judgement gave certain directions. Those directions, as material, were these. The petitioner is held entitled to be posted as a Senior Stenographer in the Delhi Milk Scheme w.e.f. 21.10.1980 or any date subsequent thereto on which one of the two posts of Senior Stenographer, including 1st P.A. to Chairman fell vacant on a regular basis. Feeling dissatisfied with the impugned seniority list, the applicant (D.V. Anand) came to this Tribunal by means of OA-2809/92 which was disposed of finally on 17.9.1993. A two - Member Bench of this Tribunal in its judgement in paragraph-8, inter alia, observed:-

".....The seniority list revised on 12.10.92 as a result of judgement of this Hon'ble Tribunal dated 13.7.1992 is legally and factually in order and accordingly the original application is dismissed as devoid of any merit or substance."

Indisputably, the judgement given by this Tribunal in O.A. No. 2809/92 has become final inter-parties. On the face of it, the present O.A. is barred by the principles

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of resjudicata. The learned counsel for the applicant has vehemently urged that the judgement given by this Tribunal in O.A. No. 2809/92 runs counter to certain decisions of the Hon'ble Supreme Court as well as this Tribunal. Be that as it may, the law is well settled that even an erroneous judgement operates as resjudicata, the remedy, if any, of the applicant was and is to challenge the legality of the judgement of this Tribunal in O.A. 2809/92 before an appropriate forum.

The O.A. is dismissed but without any order as to costs.

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B.N. DHOONIYAL  
(B.N. DHOONIYAL)  
MEMBER (A)

S.K. DHAON  
(S.K. DHAON)  
ACTING CHAIRMAN

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