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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration O.A.No.311 of 1987

Lal Shyam Bahadur Singh Applicant

Vs.

Union of India ... Respondent.

Hon.D.S.Misra,AM

Hon.G.S.Sharma,JM

(BY HON. G.S.SHARMA, JM)

The applicant has filed this petition under Section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) for setting aside the order dated 27.6.1975 passed by the respondent removing him from service and for setting aside the judgment and decree dated 24.7.1978 passed by the IX Munsif, Allahabad dismissing his suit challenging the order of his termination from service and the judgment and decree dated 1.3.1983 passed by the II Add Judge, Allahabad dismissing his appeal.

2. This case was filed on 31.3.1987 and on the request of the learned counsel for the applicant the case was adjourned twice for admission. Today, we have again received an application for adjournment. We are not satisfied with the ground for adjournment and as such, refuse to adjourn the case any further.

3. We have examined the petition ourselves. The applicant is aggrieved by the order dated 27.6.1975 of the termination of his services by the respondent. Challenging the legality of the said order the applicant filed suit no. 756 of 1975 in the Court of Munsif Allahabad which was dismissed on 24.7.1978 and it was held that the plaintiff was rightly dismissed from service and there was no illegality in

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the order of the dismissal. Aggrieved by this decision, the applicant preferred Civil Appeal No. 575 of 1978 in the Court of District Judge, Allahabad, which too was dismissed on 1.3.1983 upholding the judgment and decree passed by the trial Court. The applicant thereafter did not go in Second Appeal and as such, the decree passed in suit no. 756 of 1975 aforesaid became ^{between the parties} final and has the force of res-judicata and on this ground, the present petition challenging the order of termination is not maintainable. It has not been alleged that the decree passed in suit no. 756 of 1975 was passed by a Court without jurisdiction. The applicant, therefore, cannot challenge the validity of the said decree in his present petition.

4. It has been alleged that after the decision in appeal, the applicant made a representation on 30.3.1983 to the Secretary, Ministry of Labour and Rehabilitation but the same is still pending. This representation does not give him any fresh cause of action. In any case, the petition filed by the petitioner in March, 1987 after such a long delay is not within limitation prescribed by Section 21 of the Act.

5. The petition is accordingly dismissed summarily.

MEMBER (A) 12/5/87

S. Narasimha
12/5/87
MEMBER (J)

Dated 12th May, 1987