

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

O.A.No. 517 of 1988.

Ibney Hussain ... Applicant.
Vs.
Union of India & others ... Respondents.

Hon'ble K.J. Raman - Member (A),
Hon'ble D.K. Agrawal - Member (J).

(By Hon. D.K.Agrawal)

This application under section 19 of Administrative Tribunals Act XIII of 1985 has been filed praying for appropriate order or direction quashing the impugned orders of penalty No.P 1839/A-DAR dated 21.3.1986 and P 1839/A-DAR dated 9.2.1984.

2. The facts are that the applicant was appointed as Pointsman in the year 1957 under the Railway Administration at Jhansi (U.P.). He absented from duty for a long period, therefore, he was charge-sheeted and enquiry conducted against him. The then Divisional Railway Manager, Jhansi imposed the penalty of removal from service on 21.6.1983. The applicant preferred an appeal which was also dismissed on 9.2.1984. Thereafter the applicant filed an original suit No. 483 of 1985 Ibney Hussain Vs. Union of India which was transferred to the Tribunal and registered as application No. 679 of 1986 (Transfer). The same was however dismissed in default on 22.6.1987. The applicant, feeling

The Aggrieved

As
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aggrieved, preferred a restoration application which was dismissed by means of a detailed order vide order dated 6.11.1987 by a division bench of this Tribunal holding that the application for restoration was time barred and devoid of merit. The applicant did not prefer any appeal against the said order of the Tribunal and allowed it to attain finality. Thereafter the applicant filed the present application on 20.4.1988.

3. We have heard the learned counsel for the applicant and perused the record. In the first instance the present application is time barred in as much as the order in appeal i.e., impugned order was passed on 9.2.1984. The present application as mentioned above was filed on 20.4.1988 i.e. after more than 4 years. Secondly, once the earlier application was dismissed and restoration application also dismissed, the order of the Tribunal became final. The only remedy of the applicant was to file an appeal against the said order of the Tribunal to Hon'ble Supreme Court. The present application is barred by principle of res-judicata as well. We are therefore of the opinion that the application is liable to be dismissed and is accordingly dismissed. We make no order as to costs.

DK Agreed

MEMBER (J).

HM

MEMBER (A).

Dt. 7.4.1989.

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