

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 27.03.1995

Original Application No: 112 of 1988

Jiwan Ram aged about 62 years,
S/O Late Daulat Ram, R/O
Prakash National Press,
Badlapur, Distt. Jaunpur.

..... Applicant.

By Advocate Shri D.K.Singh

Versus

The Union of India & Ors.

..... Respondents.

By Advocate Shri N.B.Singh

* * * *

C O R A M

Hon'ble Mr. T.L.Verma, Member-J
Hon'ble Mr. S.Dayal, Member-A

O R D E R

By Hon'ble Mr. T.L.Verma, Member-J

None for the applicant. Shri
N.B.Singh for the respondents.

2. This application has been
adjourned on number of dates on the request of the
counsel for the applicant. In view of the fact
that this is a very old case and the pleadings

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are complete, no useful purpose will be served by further adjourning this application. We therefore, proceed to dispose of this application on the basis of the material on record and arguments advanced by the learned counsel for the respondents.

3. The applicant who retired as Sub Post Master at Badlapur Jaunpur U.P. filed O.A. No. 431/86 for quashing order dated 7.11.1981 superceding the applicant for promotion to H.S. Grade II. This Tribunal on a consideration of the material before it, disposed of the above application with a direction to the respondents to reconsider the representation of the applicant in the light of the observations made in the judgement. The representation of the applicant was considered by the respondents and he was given notional promotion w.e.f. 1.6.83, the date from which he was allowed to cross efficiency bar.

4. The present application has been filed for issuing a direction to the respondents to give to the applicant promotional benefit and to quash order dated 19.5.88 and punish the respondents for contempt of Court. By order dated 19.5.88, the applicant, on being considered for notional promotion in HS Grade II cadre w.e.f. the date from which

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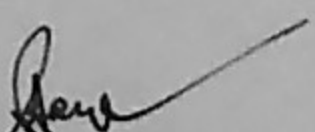
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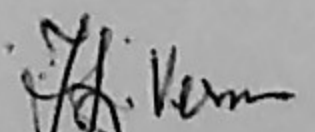
he was permitted to cross efficiency bar in H.S. Grade II. This order was passed pursuant to the direction issued by this Tribunal in O.A. No. 451/86 which reads as under;

We are, therefore, of the opinion that the claim of the applicant for promotion w.e.f. 7.11.1981 is not based on any material fact or law in support of his contention. However, the representation of the applicant for promotion to H.S. Grade II should have been considered when he was allowed to cross the efficiency bar w.e.f. 1.6.83 and we are of the opinion that he is entitled to be considered for promotion to H.S. Grade II w.e.f. 1.6.83 and his representation to D.G. Post has been rejected by a speaking order vide letter dated 4.4.86.

The present application it would thus appear, has been filed for the same relief for which O.A. No. 451/86 was filed. Since the claim of the applicant was considered on merit and has already been adjudicated upon by a court of competent jurisdiction, another application for the same relief is not maintainable. That apart, the relief to quash the order dated 19.5.88 ~~is~~ runs counter to the directions in O.A. 451/86.

5. In view of the above, we find that this application lacks merit and deserves to be dismissed and the same be and is hereby dismissed. No order as to costs.


Member-A


Member-J

/jw/