<u>OPEN COURT</u>

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

<u>ALLAHABAD</u>

Allahabad : Dated this 22nd day of February, 2000

Original Application No.581 of 1992

<u>District : Jhansi</u>

<u>CORAM</u> :-

Hon'ble Mr. Rafiquddin, J.M.

<u>Hon'ble Mr. S. Biswas, A.M.</u>

G.P. Rastogi S/o Late R.N. Rastogi,
C/o G.S. Saxena, 173, Tandon Road,
Sipri Bazar, Jhansi.

(Sri S.K. Tyagi, Advocate)

. . . . .Applicant

Versus

1.   Union of India,
        Through General Manager,
        Central Railway, Bombay V.T.
        Bombay.

2.   Divisional Railway Manager (DRM(P),
        Central Railway, Jhansi.

3.   Senior D.P.O. Central Railway,
        Jhansi.

(Sri Prashant Mathur, Advocate)

. . . . . Respondents

<u>O R D E R (O r a l)</u>

<u>By Hon'ble Mr. Rafiquddin, J.M.</u>

        By means of this OA the applicant has sought the
relief of promotion as Head T.T.E./ in the grade of
Rs.1400-2300 from the date on which the promotion was
due.

2.   We do not consider it necessary to narrate the
entire facts of the case because the respondents in their
counter reply have specifically mentioned that the
applicant had earlier filed OA No.354 of 1992 - G.P.
Rastogi Vs. UOI & Ors, before this Tribunal for the

same relief and the same was dismissed vide order dated
21-9-1993. A photocopy of the order has also been
annexed as Annexure-CA-1 with the counter affidavit.
We find from the perusal of the order of this Tribunal
passed in OA No.354 of 1992 that the applicant sought
the same relief in the said OA which he has sought in
the present OA.

3.   Learned counsel for the respondents has
also mentioned that a Review Petition filed against the
order dated 21-9-1993 has also been dismissed vide
order dated 9-4-1994. We also do not find that the
applicant has any where mentioned this fact in the
present OA. Thus, the applicant has not come before the
Tribunal with clean hands and has concealed the relevant
fact from the Tribunal. The OA is barred by the principle
of Res Judicata and the same is not maintainable. The
OA is, therefore, dismissed with no order as to costs.

Member (A)   Member (J)

Dube/