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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1261 of 1993

DATED : 15.12.1994

Hon'ble Mr. S. Das Gupta, Member(A)

Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Govind Ballabh S/o Sri Ganesh Dutt Kasnayal
R/o Village Kashi Post Bin, Pithoragarh.

Applicant.

By Advocate Shri Arvind Kumar,

Versus

1. Union of India through the Engineer-in-Chief, Kashmir House, Army Headquarter, DHQ, N. Delhi.
2. Chief Engineer, Central Command, Lucknow.
3. Chief Engineer, Military Engineering Service, Bareilly Zone, Station Road, Bareilly Cantt. U.P.
4. Garrison Engineer, Military Engineering Service Pithoragarh.

Respondents.

O R D E R (Oral)

By Hon'ble Mr. S. Das Gupta, Member(A)

Counsel for the applicant has again requested for adjournment.

This case was considered for admission on 11.4.1994 and a view was taken that the applicant's case appears to be time barred and also barred by res judicata. However, the applicant was given opportunity to explain as to why this petition should be considered for admission. Thereafter, a number of opportunities have been given to the applicant and on every date either counsel for the applicant has requested for adjournment or did not appear without any request. The matter is liable to be dismissed in default but,

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^{we are}
we are deciding the case on the basis of the averments made in this application.

3. The applicant was appointed as Beldar on 25.5.1968. He stated to have been promoted to the post of Storeman. He submitted a letter of resignation dated 03.1.1985 on account of certain condition alleged to have been created by his superior officers. It is stated that the applicant was informed that his resignation cannot be accepted at this stage as ~~the~~ investigation was pending against him. However, on 12.5.1986, the applicant was informed that his resignation was considered and incase he would decide to resign from service, he was free to submit fresh letter of resignation. However, since the applicant's condition had improved, he decided not to resign, and therefore, he submitted a letter dated 13.6.86 withdrawing his resignation. It is alleged that despite this, the respondents vide order dated 14.6.1986 accepted his earlier letter of resignation. The applicant thereafter stated to have been submitted number of representations and ultimately by order dated 07.9.1988, he was informed that his re-instatement cannot be considered. The applicant, thereafter, filed an application under Section 19 of the Administrative Tribunals Act, 1985 before a bench of this Tribunal which was dismissed by the order dated 06.8.1986. In that application also the impugned order ^{i.e.} was the letter

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of respondents accepting his earlier letter of resignation, was challenged. The same ~~application~~ ^{order} is also under challenge in the present application.

4. In this case, the cause of action arose in the year 1986 and, thereafter, the same matter was adjudicated before this Tribunal and the same was dismissed. The matter is, therefore, barred by limitation and also barred by res-judicata. The application is, therefore, dismissed ^{accordingly} ~~as having no merits.~~


Member (J)
/M.M./


Member (A)