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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 10th day of April, 1996

Original Application No.89 of 1995

DISTRICT : GHAZIABAD

CORAM:- Hon'ble Mr. S. Das Gupta, A.M.
Hon'ble Mr. T.L. Verma, J.M.

K.P. Singh son of Late Sri Charan Singh
Resident of Present Miller H.S. Gde-1,
5448MM Ordnance Factory, Murad Nagar,
Ghaziabad.

(Advocate Sri (Col) Ashok Kumar)

. Applicant
versus

1. Union of India through the Secretary
Defence Supplies and Production,
Ministry of Defence, New Delhi.
2. Chairman Ordnance Factory Board.
3. General Manager, Field Gun Factory,
Kanpur.
4. General Manager O.L.F. Dehradun.

. Respondents
O R D E R (o_r_a_l_)

By Hon'ble Mr. S. Das Gupta, A.M.

Heard learned counsel for the applicant on admission.

2. It appears from the facts averred that the applicant had earlier filed a civil suit which was transferred to this Tribunal and was renumbered as TA No.106/86. This OA was partly allowed by the order dated 23-10-1991 with a direction to the respondents to consider the claim of the applicant for the promotional post where S.C. Tripathi was promoted. In case he was junior and if it is found that the applicant was not junior to Sri SC Tripathi, he may also be promoted with retrospective effect. It further appears that the applicant thereafter submitted

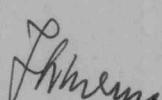
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representations for compliance with the direction, but the said direction has not been complied with. He has, therefore, sought a direction to the respondents to implement the direction contained in the Tribunal's order dated 23-10-1991. It has also been prayed that a direction be issued to the respondents to clear the dues which have been accrued to the applicant in terms of the Government policy dated 29-12-1975 and to decide the appeal of the applicant dated 22-10-1994.

3. The applicant had already filed a suit earlier on the question of his promotion on the basis of promotion of his juniors. This was adjudicated and decided by the order dated 23-10-1991. That being so, there is no fresh cause of action in this case. Therefore, this OA is not maintainable under section 19 of the Administrative Tribunals Act, 1985. In case the Tribunal's direction was not complied with, the appropriate action for the applicant would have been to file a petition for contempt of the Tribunal's orders. Even that cannot be done now after a lapse of five years. This application is dismissed as non-maintainable.

4. Nothing in this order, however, shall preclude the respondents from considering the representations stated to have been submitted by the applicant for implementation of this Tribunal's direction contained in the order dated 23-10-1991.


Member (J)


Member (A)

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