

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 533 OF 2003

ALLAHABAD, THIS THE 24th DAY OF MAY, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Keshav Pal SBSO (Now SO 2 CECC)
son of Shri Pitam Singh,
resident of village Patsua
Post Office Jasmai,
District-Etah (U.P.).

.....Applicant

(By Advocate : Col Ashok Kumar)

V E R S U S

1. Union of India through Secretary,
Ministry of Defence, New Delhi.
2. Chief of the Army Staff, New Delhi.
3. Engineer-in-Chief (Army HQ Via-OIC Legal
Cell (MES) Head quarter Chief Engineer,
Air Force Station, Bamrauli, Allahabad.
4. Chief Engineer Central Command through
Garrison Engineer (EP),
Allahabad.

.....Respondents

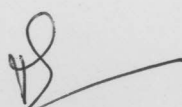
(By Advocate : Shri S.K. Anwar)

O R D E R

By this O.A. applicant has sought the following
reliefs:-

" to issue a writ, order or direction commanding the respondents to investigate the details of the facts brought out in the Statutory Appeal of the applicant dated 03.03.2003, copy already filed as Annexure A-2 with this Original Application and dispose of the same with a reasoned order based on the principles of law settled and reported in para 1, 38 and 39 of AIR 1990 SC 1984 within a time frame to be fixed by this Hon'ble Tribunal, preferably one month as the applicant retires on 31.12.2003."

2. It is submitted by the applicant that he had



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earlier filed O.A. No.678 of 2002 against his transfer which was disposed off by order dated 17.12.2002 as O.A. had become infructuous. However, liberty was given to the applicant to challenge the order passed by respondents by filing a fresh O.A. in case applicant was still aggrieved. He has submitted that applicant filed another O.A. No.610/01 ~~the~~ also, applicant was given liberty to file representation regarding his grievance against ~~the~~ certain officers, which shall be looked into by the respondents. However, since no case for contempt was made out, the contempt petition was dismissed.

3. It is submitted by the counsel for the applicant that it was pursuant to the directions/liberty given by this Tribunal that applicant filed his statutory appeal on 03.03.2003 (Pg.14) which has not been disposed off by the respondents till date. Therefore, O.A. may be disposed off by giving directions to the respondents to investigate the details of the facts as brought out ^{by} ~~him~~ in the statutory appeal dated 03.03.2003 and to decide the same by a reasoned order.

4. This O.A. has been opposed by the counsel for the respondents on the ground that in the earlier O.A. when applicant had filed O.A. No.678 of 2002, the only liberty given to the applicant was to challenge the final order passed by the authorities in the fresh O.A. No liberty was given to the applicant to file another representation or statutory appeal to the authorities and once his statutory appeal was decided by the authorities concerned, applicant cannot be allowed to raise old issues over and over again as there must be finality given to the proceedings at some stage. Counsel for the respondents invited my attention to the para G & H of the O.A. wherein applicant had himself submitted that it was pursuant to the judgment dated 17.12.2002 that applicant submitted statutory appeal dated 03.03.2002 to the Secretary, Government



of India, Ministry of Defence whereas no such liberty was given by the court in its order dated 17.12.2002. He has, thus, submitted that the O.A. is absolutely mis-conceived, therefore, the same may be dismissed.

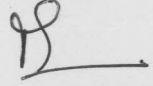
5. I have heard both the counsel and perused the pleadings as well.

6. Perusal of para G & H of the O.A. shows that applicant had filed an appeal dated 03.03.2002 pursuant to the judgment dated 17.12.2002. Now perusal of the order dated 17.12.2002 passed in O.A. 678/02 shows that in the said O.A. applicant had sought a direction to issue writ order or direction commanding the respondents to investigate the details of the facts brought out in the statutory appeal of the applicant dated 11.04.2002. However, the said appeal was already disposed off by a detailed order dated 01.07.2002 (Annexure RA-2 therein) Therefore, the O.A. had become infructuous. Therefore, the O.A. was dismissed as having become infructuous. However, liberty was given to the applicant to challenge the order dated 01.07.2002 by filing fresh O.A. in case he was still agrieved by the said order. Respondents are right in saying that no such liberty was given to the applicant to file yet another appeal. Even otherwise I am informed applicant had already retired on 31.12.2003, therefore, the appeal filed by him on 03.03.2003 even otherwise is meaning-less. In any case since his appeal had already been decided by the authorities concerned and no such liberty was given to the applicant to file another appeal to the authorities, I would agree with the respondents that finality must be given to the proceedings at some stage. In the present case I am satisfied that applicant is filing one or the other appeal unnecessarily without challenging the ultimate orders passed on the appeal filed by him. Therefore, the present O.A. is totally misconceived, the same is accordingly ^{held to be} not maintainable.



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as such is dismissed with no order as to costs.



Member (J)

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