

(Open Court)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD**

ALLAHABAD this the **18<sup>th</sup>** day of **July, 2011**

Present:

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER- J**

**ORIGINAL APPLICATION NO. 1211 of 2007**

Anurag Singh, Son of Late Bhola Singh, Resident of C/O Sri K.G. Singh, 2/9, Labour Colony, Mohaddipur, Gorakhpur, District-Gorakhpur.

.....Applicant.

**V E R S U S**

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Air Officer Commanding, Air Force Station, Gorakhpur, District- Gorakhpur.
3. Head Quarters Central Air Command, Indian Air Force, Bhamrauli, Allahabad.

..... Respondents

Advocate for applicant : Sri S.K. Om  
Advocate for respondents : Sri Saurabh Srivastava

**O R D E R**

By way of the instant Original Application filed under section 19 of Administrative Tribunals Act 1985 the applicant seeks following directions: -

- (a). to issue a writ order or direction in the nature of certiorari quashing the order dated May 3<sup>rd</sup> 2007 passed by respondent no. 2 (Contained as Annexure no. 9 to this application).
- (b). to issue a writ order or direction in the nature of certiorari quashing the finding arrived by the respondents in the order dated 16<sup>th</sup> December 1994 (Annexure-5 to O.A) so far it declared the petitioner as over age as on 1.6.1995.
- (c). to issue a further writ order direction in the nature of mandamus commanding the respondents to prepare a fresh Notional Seniority List on the basis of working days in the year 1992 and regularize the services of the petitioner from the date of regularization of his immediate juniors."

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2. Learned counsel for the applicant argued that the impugned order dated 03.05.2007 passed by the respondents , which is appended as Annexure -9, is non-speaking and thus the same is liable to be set aside.

3. On the other hand learned counsel for the respondents states that in the earlier round of litigation for the same very relief the applicant has lost upto Apex Court. He referred to the judgment dated 08.03.2000 passed by Single Bench of Hon'ble High court which is appended as Annexure CA-5 whereby the case of the applicant was dismissed. Against that order the applicant filed Special Appeal No. 641/2000, which too was dismissed by the Division Bench of Hon'ble High Court vide judgment dated 28.10.2006 (Annexure CA-6). The order of Division Bench of Hon'ble High Court was assailed by the applicant by filing S.L.P, which too was dismissed by the Apex Court vide order dated 09.02.2007 (Annexure CA-7). Thereafter the applicant moved another representation, which was decided by the respondents vide impugned order dated 03.05.2007. He further argued that the applicant is filing successive representations for the same relief , therefore, the O.A be dismissed with costs. Impugned order does not give his fresh cause of action.

4. Learned counsel for the respondents states that the applicant is repeatedly filed representation for the same relief, which has already been decided upto the level of Hon'ble Supreme Court hence the claim of the applicant is liable to be dismissed. On the other hand

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counsel for applicant states that the applicant submitted representation in terms of liberty given by Hon'ble Supreme Court.

5. I have heard Sri S.K. Om, learned counsel for the applicant and Sri S. Srivastava, learned counsel for the respondents and perused the record.

6. It is admitted position that in earlier round of litigation the applicant approached the Hon'ble High Court for the same relief and Hon'ble High Court by passing detailed order dated 08.03.2000 rejected the claim of the applicant in following terms: -

*"Petitioner was appointed as seasons Anti-Malaria Lasker for a period of six months from 1<sup>st</sup> January 1991 to 30<sup>th</sup> November 1991. Thereafter the petitioner was never engaged by the respondents. Petitioner claimed appointment with the respondents and this court on 16.06.1999 in w.p. no. 24843 of 1999 directed the representation of the petitioners. The respondents by their order dated 17.12.1999 have rejected the representation of the petitioner on the ground that the name of the petitioners were never sponsored by the Employment Exchange and the petitioners never worked after 30<sup>th</sup> June 1991 with the respondents.*

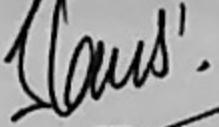
*Having heard the learned counsel for the parties, I do not find illegality in the impugned order dated 17<sup>th</sup> December, 1999. The writ petition fails and is accordingly dismissed."*

7. Special Appeal filed by the applicant against the above order was dismissed vide order dated 28.10.2006 against which the S.L.P

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was also dismissed. While dismissing the SLP Hon'ble Supreme Court granted liberty to the applicant to pursue his claim before the department. It does not mean that the applicant for the same very relief which has been settled down can approach the Tribunal again. Once the S.L.P has been dismissed, therefore the relief claimed by the applicant stands rejected.

8. In view of the above, the O.A. is dismissed. No costs.

  
(Sanjeev Kaushik)  
Member-J

/Anand/