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OA. 50/96 ③

Serial No. of Order	Date of Order	Order with Signature O. A. NO. 50 of 1996.	Office note as to action (if any) taken on order
7.	2-8-96	<p>On 20-3-1996, Miscellaneous Application No. 87 of 1996 was filed seeking condonation of delay in filing Original Application No. 50 of 1996. This was noticed to Respondents. Petitioner's Counsel was heard as well as the Senior Standing Counsel for the Respondents. This application is directed against the penalty of withholding of one increment for one year without cumulative effect imposed under order F.No. C-13011/38/71-Ad. II (Pt. ) dated 29-5-1979 and non-consideration of Review Petition filed by the Applicant before the President of India under Rule 29-A of the CCS (CCA) Rules, 1965. The applicant did not file any appeal against the penalty order dated 29-5-1979. The punishment period was over in September, 1980. Memorial to the President was submitted on 10-7-1979. The applicant's case came up for consideration in the D. P. C. which met in 1977. But the recommendation of the DPC was kept in a sealed cover. His grievance is that the sealed cover should have been opened by a Review D.P.C. but this was not done. He got promotion in regular manner in December, 1982. On legal advice, he filed a petition before the Gujarat High Court which directed that the applicant's</p>	<p>A copy of the order dt. 2-8-96 may be given to the applicant's Counsel &amp; to Mr. Ashok Mahapatra with OA copies.</p> <p><i>[Signature]</i> 05.08.96 S.O</p> <p>Received copy of order along with copy of OA dt. 2-8-96, on behalf of Mr. Ashok Mahapatra Indra Sen 5-8-96</p> <p>Received copy of the order. <i>[Signature]</i> 6/8/96</p>

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....7	2-8-96	<p>case should be disposed of by the competent administrative authority within six months. The representation pursuant to the above was rejected on 27-9-1984. He again moved a writ petition before the High Court of Gujarat in November, 1984 (was which transferred for disposal to the Central Administrative Tribunal. By an order dated 23-2-1988, the Tribunal directed the authorities to refer the matter to a Review D.P.C. to decide the date on which promotion should be given to the applicant taking into consideration the recommendation of 1977 DPC kept in a sealed cover and the punishment awarded. Although a time limit of four months was given apparently there was no response of the Respondents whereupon the applicant filed a Contempt Petition. Notice on Contempt Petition was discharged by an exparte order dated 15-6-1992 on the submission that the Review DPC did meet on 22-8-1991. Another review application filed on July, 1992 did not succeed.</p> <p>The applicant claims that the matter was handled by a counsel at Ahmedabad with whom he could not keep in touch because he was transferred to various places from Ahmedabad. In the</p>	

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.....7		<p>back ground of the above facts, the matter is certainly barred by limitation and there is no reasonable cause for the delay. The applicant had exhausted all the fora. The main contention of the applicant was already disposed of by the Tribunal. His representation was also dismissed. Thus, the matter covered by this Original Application having been decided earlier by a competent court can not be agitated afresh. This is hit by res-judicata.</p> <p>Under these circumstances, there is absolutely no case made to condone the inordinate delay in filing this application. The application is dismissed as barred by limitation.</p> <p><i>manish</i> MEMBER (ADMINISTRATIVE) 2/8/96</p>	