

Se. 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 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 dated 2-8-96 may be given to the applicant's Counsel & to Mr. Ashok Makwana with O.A. copy.</p> <p>5/8/96 5/8/96</p> <p><u>Shah</u></p> <p>05.08.96 S. O.</p> <p>Received copy of the order, along with copy of O.A. dated 2-8-96, on behalf of Mr. Ashok Makwana, S.M.S.C. and Mr. S. O. 5/8/96</p> <p><u>Shah</u></p> <p>5/8/96</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>Mareshwar</i> 21/8/96 MEMBER (ADMINISTRATIVE)</p>	