

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

Date of Order 27.2.96.

OA No. 522/95.

B.S. Malhotra

...Applicant.

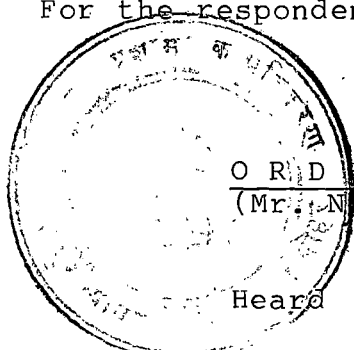
Vs.

Union of India & others

...Respondents.

For the applicant - Mr. F.C. Sharma, advocate.

For the respondents - Ms. Padmini Rathore, Brief holder for  
Mr. J.P. Joshi, counsel for  
respondents.



O R D E R (ORAL)  
(Mr. N.K. Verma, Administrative Member)

...

Heard Shri F.C. Sharma, learned counsel for the  
applicant.

2. This very matter was agitated before this Bench earlier in OA No. 95/95 in which an order was passed on 9.3.95 asking the respondents to give a speaking reply to the representation made by the applicant, if any, within a period of 45 days from the receipt of the representation covering all the points urged in that representation. In pursuance thereof, the respondents vide their impugned order dated 5.5.95 have given a reply to the applicant stating the reasons why his case for Efficiency Bar was turned down by the competent authority at the relevant time. The Application now is aimed at the same issue whereby the applicant has prayed for quashing the impugned order dated 5.5.95 with the additional prayer that his case for Efficiency Bar w.e.f. 10.6.95 should be granted with all consequential benefits. This is the same agitation in which this Tribunal had passed order on 9.3.95 and hence the OA is totally barred by the principles of res-judicata

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If the respondents have not complied with the Tribunal's order the same should have been brought to the notice of the Tribunal through Contempt Petition so that further orders ~~could~~ have been passed in this regard. Since the applicant has failed to do so within the stipulated time, I see no reason why this ~~very~~ OA should be allowed to be admitted.

2. In view of the above observations, the OA is dismissed as non maintainable. No order as to costs.

N.K. Verma  
( N.K. VERMA )  
ADMINISTRATIVE MEMBER

"MS"

Part II and III destroyed  
in my presence on 3/15/02  
under the supervision of  
section officer (1) as per  
order dated 1/13/02

Section officer (Record)

copy received  
1/13/96.

copy of order dated 27.2.96  
~~Passport~~ sent to petitioner.  
By Regd Post vide No 82  
date 4/3/96

ms  
4.3.96.