

CENTRAL ADMINISTRATIVE TRIBUNAL, ERANAKULAM BENCH

O.A.No.128/99

Wednesday, this the 3rd day of March, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR R.K.AHOOJA, ADMINISTRATIVE MEMBER

M.C.Xavier,  
Senior Scientific Assistant,  
MERADO, CSIR Cochin Complx,  
Kalamassery-683 109.

- Applicant

By Advocate Mr M.R.Rajendran Nair

Vs

1. Union of India represented by  
the Secretary to the  
Department of Science and Technology,  
New Delhi.
2. The Director General,  
CSIR, Rafi Marg,  
New Delhi.
3. The Director,  
CMERI, Unit of CSIR,  
M.G.Avenue,  
Durgapur.
4. Vice President,  
CSIR, Rafi Marg,  
New Delhi.

- Respondents

By Advocate Ms Chitra Sunil, ACGSC

The application having been heard on 3.3.99, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR R.K.AHOOJA, ADMINISTRATIVE MEMBER


The applicant while working as Scientist A Mechanical Engineering Research and Development Organisation, Cochin was proceeded against under Rule 14 of the Central Civil Services(Classification, Control and Appeal) Rules 1965 on two articles of charges. After the enquiry was conducted, the

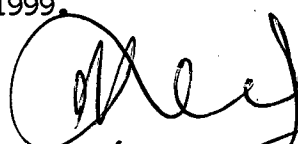
disciplinary authority by order dated 6.3.87 removed the applicant from service with immediate effect. However, the appellate authority by order dated 17/18.8.87 modified the penalty imposed on the applicant to that of reduction to a lower post of SSA. The applicant challenged the disciplinary proceedings in O.A.K.288/87 and the same was dismissed by the Tribunal by order dated 11.8.89. Thereafter the applicant approached the Hon'ble Supreme Court but the SLP filed by the applicant was also dismissed on merits.

2. The applicant states that he has filed a review petition before the President, CSIR dated 6.8.97 in which he has brought to his notice certain aspects of the case which would establish his innocence. His grievance is that the respondents have not disposed of the review petition so far. Therefore he has filed this application for a direction to the respondents either to exonerate the applicant or in the alternate, to consider A-12 representation on merits and pass appropriate orders.

3. We have heard the learned counsel on either side. It is the settled position that the applicant had challenged the findings of the decision of the disciplinary authority and of the appellate authority before this Tribunal. But that was dismissed. The SLP filed by the applicant was also dismissed on merits. Thus the decision of the Tribunal stood confirmed. No further review of that decision is therefore possible. Even though the applicant submits that he has brought certain new aspects in his representation before the respondents, we find that the issue has already been decided and confirmed by the orders of the Supreme Court. The present O.A. is therefore now barred by resjudicata. Accordingly the O.A. is dismissed. No costs.

Dated, the 3rd of March, 1999.

  
(R.K. AHOOJA)  
ADMINISTRATIVE MEMBER

  
(A.V. HARIDASAN)  
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A12: True copy of the representation dated 6.8.97 submitted by the applicant, before the Honnourable Prime Minister of India and the President of CSIR, Office of the 4th respondent.

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