

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A. NO.
724/AND/

64

1994

DATE OF DECISION

Smt. Manju Late Petitioner

Shri R.B. Pandey Advocate for the Petitioner(s)
Versus

Union of India and ors Respondent

Shri V.K. Chaudhary Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice U.C. Srivastava, V.C.

The Hon'ble Mr. A.B. Gorthi, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether to be circulated to all other Benches ?

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Ghanshyam/

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, CIRCUIT BENCH, LUCKNOW.

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Registration O.A. No. 64 of 1989(L)

Smt. Manju Lata ... Applicant
vs.

Union of India and others .. Respondents

Hon 'ble Justice U.C. Srivastava, V.C.

Hon 'ble Mr A.B. Gorthi, A.M.

(By Hon 'ble Mr A.B. Gorthi, A.M.)

This application under section 19 of the Administrative Tribunals Act 1985, has been preferred by Smt. Manju Lata for determination of a seniority on the post of Librarian and consideration for promotion to the post of Transmission Executive with retrospective effect.

2. The applicant joined the All India Radio, Lucknow as a Librarian and has since been promoted to the post of Transmission Executive. She had earlier approached this Tribunal for the determination of her seniority vide O.A. No. 13 of 1988(L) decided by this Tribunal on 2-5-1988. The relevant portion of the judgment in O.A. No.13 of 1988(L) is reproduced below:

" The claim for seniority was rejected as early as 3-12-1981. No further representation was made so far as seniority was concerned. The question of seniority thus became final in 1981. That was long before the Tribunal was established and much more than three years prior to the constitution of the Tribunal. Only when another Librarian, who according to the applicant, was junior to ~~hem~~, was promoted she made a representation on 20-4-1985. As the seniority list had become final by an order of 3-12-1981, this Tribunal has no jurisdiction to her grievance in this regard.

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2. So long as the grievance of the applicant, with reference to her seniority cannot be entertained, the claim of the applicant for promotion does not seem to have any merit. Apart from the above, the question of promotion is said to be under consideration of the competent authority upon the representation of the applicant. Nothing said herein will stand in the way of the applicant moving the Tribunal later if her representation is rejected.

3. In this view of the matter, the application is accordingly dismissed.

Sd/-
Vice Chairman
2nd May, 1988.

Sd/-
Chairman
"

3. The question of her promotion has obviously been resolved with her promotion to the post of Transmission Executive. The grievance relating to her seniority persists. On this question of seniority, this Tribunal having already pronounced the Judgment, there is, in our view, no scope for the applicant to agitate the same issue once again before us. This is a case where the principle of 'res judicata' squarely applies.

4. The application is, therefore, dismissed without any order as to costs.

Shanbagh
MEMBER (A)

hs
VICE CHAIRMAN

(sns)

May 10, 1991.