

**Central Administrative Tribunal, Lucknow Bench, Lucknow.**

**O.A.214 /2008**

This the 22 day of July, 2008

**Hon'ble Shri A.K.Gaur, Member (J)**

**Hon'ble Dr. A.K.Mishra, Member (A)**

A.K. Srivastava aged about 49 years, son of Late K.N. Srivastava, resident of House No. 546, Rekabganj, district Faizabad.

Applicant.

By Advocate Sri Y.S. Lohit.

Versus

1. Council of Scientific and Industrial Research, Rafi Marg, New Delhi, through its Director General.
2. Central Drug Research Institute, Chatter Manzil, Lucknow through its Director.
3. Director, Central Drug Research Institute, Chatter Manzil, Lucknow.

Respondents.

By Advocate Sri Pankaj Kumar Awasthi for Sri A. K. Chaturvedi.

Order (Oral)

**By Hon'ble Sri A.K. Gaur, Member (J)**

Heard counsel for the parties.

2. By means of the aforesaid original application, the applicant has claimed following main reliefs:

“(a) Hon'ble Tribunal may kindly be pleased to quash the impugned OM dated 30.4.96 as well as the order dated 14.10.91 as contained in Annexure No. A-1 and A-2 respectively.

(b) Consequently, Hon'ble Tribunal may kindly be pleased to direct the respondents to reinstate the applicant with continuity of service taking into account his full length of service from initial appointment/joining followed by its consequential benefits.”


3. Alongwith the Original application, the applicant has filed delay condonation application supported by an affidavit. The numerous grounds have been taken by the applicant for condoning the delay in filing the O.A.. It is seen from the record that the applicant earlier filed O.A. 450/96, which was, dismissed alongwith O.A. No. 373/94 by the judgment and orders dated 5.12.2003. In Writ Petition No. 406(S/B) 2004, the same was challenged before the Hon'ble High Court and the Hon'ble High Court after considering the parties case, dismissed the writ petition with the following observations:

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“The impugned order nowhere indicates that such a pleas was ever raised before the Tribunal. Apart from this, whether the letters sent by the department were actually received by the petitioner, is a question of fact. The petitioner was afforded full opportunity in the enquiry to forward his defence and a t full fledged enquiry, the charge has been found to be proved, therefore, unless the petitioner succeeds in satisfying that there was any procedural irregularity or the findings are absolutely perverse, this Court, would not interfere wih the findings so arrived at.”

4. The applicant has filed a review petition No. 212 (SB) 2006 assailing the verity of the order dated 6.7.2006 taking several grounds. The Hon'ble High Court dismissed the review petition. We have also noticed that no liberty has been grated either by Hon'ble High Court or by Hon'ble Supreme Court to approach this Tribunal again by filing O.A. challenging the O.M. dated 30.4.1996 as well as order dated 14.10.91 on various grounds. It is really astonishing that when Hon'ble High Court and Hon'ble Supreme Court have already applied its mind, and came to the conclusion that there is no merit in the case of the applicant. How the applicant can again challenge the verity of the same in the aforesaid O.A.,. Learned counsel for the applicant has placed reliance on the decision reported in 2005 (23) LCD 637 . We have carefully gone through the paragraph 14 of the said judgment and in our considered view, the said decision is not applicable to the present case and the O.A. deserves to be dismissed on the ground of principle of res-judicata, *delay and laches.*

5. Accordingly, we find no merits in the original application and the same is dismissed at admission stage. Itself.

  
**Member (A)**

  
**Member (J)**