

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

05.03.2008.

OA No. 33/2008

Mr. Raj Kumar, Counsel for applicant.

When the matter was listed on 14.02.2004, this Tribunal has passed the following order:-

“Heard learned counsel for the applicant. We are of the view that the present application is wholly misconceived. Pursuant to the departmental action taken by the respondents, the applicant was imposed a penalty of dismissal from service. Appeal against the said penalty was also rejected. The matter was carried before this Tribunal and this Tribunal also upheld the order of dismissal as far as in the year 2000. It is only after a period of about seven years, the applicant has moved this OA on the ground that since he has been acquitted from the criminal charge by the Trial Court, he should be reinstated in service.

Suffice it so say that it was permissible for the applicant to *prays for staying the departmental proceedings only during the pendency* of the criminal case. Having not done so, we are of the view that the relief as, prayed for by the applicant, cannot be granted.

Learned counsel for the applicant, however, *prays for some time to study the matter.*

Let the matter be listed on 5.3.2008.”

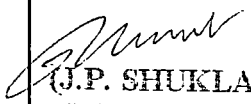
Learned counsel for the applicant was heard again, he *could not convince us as to how the OA can be entertained* in view of the aforesaid observations made by us.

Thus for the reasons recorded hereinabove, we are of the view that the present OA is required to be dismissed at admission stage. Further to entertain the OA will amount to *abuse the process of court which is also against the public policy* where the finality has to be maintained to the decision which has not been challenged. The matter cannot be entertained against on the same cause of action, the fact of which will *undo* the decision which has attained finality.

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For the foregoing reasons, the OA is dismissed at admission stage itself.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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