

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 88/2012 in
T.A. No. 43/2008

New Delhi, this the 2nd day of August, 2016.

HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE DR. BRAHM AVTAR AGRAWAL, MEMBER (J)

Mohan Lal,
S/o Shri Shiv Lal,
(Through Legal Heir Shri Suresh Kumar)
R/o Village Choma,
Post Office Palam Vihar,
Distt. Gurgaon (Haryana),
And employed as Lower Division Clerk,
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi.

.. Applicant

(By Advocate : Shri Yogesh Rathi for Shri Vishwendra Verma)

Versus

1. All India Institute of Medical Science,
Ansari Nagar, New Delhi
Through its President.
2. The Director,
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi.

.. Respondents

(By Advocate : Shri R.K. Gupta)

ORDER (Oral)**By Hon'ble Mr. P.K. Basu**

Shri Yogesh Rathi on behalf of learned counsel for the misc. applicant appears and states that the arguing counsel, Shri Vishwendra Verma, is busy before the Hon'ble High Court.

2. Several opportunities have been given in this very old matter and even today, the applicant's counsel has not bothered to appear and argue the matter.

3. We have heard the learned counsel for the respondents, who summarised the developments in this case as follows:

(i) The original applicant, Shri Mohan Lal, filed TA No.43/2008 which was disposed of by this Tribunal vide order dated 23.01.2009.

(ii) The AIIMS has filed Writ Petition No.1074/2010 challenging the said order dated 23.01.2009 and the Writ Petition was dismissed by judgment dated 12.03.2010.

(iii) The original applicant filed CP No.917/2010 due to non-compliance of order dated 23.01.2009, which was closed vide order dated 08.04.2011, the operative portion of which is reproduced below:

“The directions of the Tribunal as per order dated 23.01.2009 in TA No.43/2008, para 11, are reported to have been complied by the respondents. This has not been opposed by the learned proxy counsel for the applicant. Hence, the CP is closed. Notices are discharged.”

(iv) Thereafter, the original applicant filed MA No.2320/2011 praying for revival of the CP but the MA was rejected vide order dated 21.11.2011.

(v) On the basis of the said observation made by this Tribunal, the original applicant has not filed any review either before the Tribunal or before the Hon'ble High Court, rather filed MA 88/2012 claiming the following relief:

- “(a) issue the direction to the respondent to pay the due amount to the applicant;
- (b) issue directions to the respondent to comply the directions of the judgment issued by this Hon'ble Tribunal within a specified period as granted by this Hon'ble Tribunal.”

4. It is submitted that the respondents-AIIMS have complied with the order dated 23.01.2009 passed by this Tribunal as is evident from the orders dated 08.04.2011 and the order dated 21.11.2011 passed by this Tribunal.

5. In view of above, we are of the opinion that the M.A. filed by the applicant is completely misplaced in view of the earlier orders passed by this Tribunal, as narrated above. The M.A. is, therefore, dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

/Jyoti/