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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1032/2003

Tuesday, this the 29th day of April, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampli, Member (A)

Shardha Ram, 667/SB (3368/D), Ex ASI
s/o Late Shri Hari Singh
r/o 1/7073, Gobind Marg
Shivaji Park, Shahdara, New Delhi-32

..Applicant
(By Advocate: Shri B.S. Oberoi)

Versus

1. Govt. of NCT of Delhi
through its Chief Secretary
5, Sham Nath Marg, Delhi

2. Deputy Commissioner of Police
(Central District), PS Darya Ganj, New Delhi
..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant was an Assistant Sub Inspector in Delhi Police. Departmental proceedings had been initiated against him. A penalty had been imposed on 24.10.1994. Against the said order, he preferred OA-2642/96. This Tribunal on 23.12.1996 dismissed the same. Subsequently, it appears that there was a legal advice pertaining to the form of the order that had been passed in the year 1994, referred to above. Acting the same, a Corrigendum was issued and the order of 24.10.1994 was corrected, which reads:-

"Punishment of with-holding of increment for a period of two years with cumulative effect. His suspension period w.e.f. 3.10.85 to 9.12.87 has been decided as period not spent on duty."

2. The applicant challenged the same and filed OA-1479/99. A Bench of this Tribunal took the view that

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(B)

judicial decisions, which have attained finality, cannot be changed or altered even if there was a change of language only. A Corrigendum that was so issued was quashed.

3. By virtue of the present application, the applicant seeks that he is entitled to all the consequential benefits of pay and allowances on account of the order of 24.10.1994 which is against the Fundamental Rules.

4. Learned counsel for applicant contends that the order dated 24.10.1994 and the subsequent order dismissing the appeal are not implementable as they are contrary to law and, therefore, the same should be set aside.

5. We are not dwelling into the said controversy because it is unnecessary to do so. Reasons are obvious and not far to fetch. The said order had been challenged by the applicant in OA-2642/96 referred to above. The Original Application had been dismissed by this Tribunal. Now, if by subsequent events any Corrigendum was issued, which has also since been set aside, will not give a fresh cause to the applicant. The order so passed by this Tribunal dated 23.12.1996 has attained finality and resultantly, in the fresh Original Application under consideration, the same cannot be re-agitated. OA, being without merit, must fail and is dismissed in limine.

(Govindan S. Tampi)
Member (A)

/sunil/


(V.S. Aggarwal)

Chairman