

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : GWALIOR

Original Application No.202/01173/2016

Gwalior, this Tuesday, the 15th day of October, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Mohan Lal Mahore, S/o Ganesh Ram Mahore, aged 63 years,
Occupation – None, Resident of Saat Bhai Ki Goth, Lakkad
Khana, Jalim Singh Ka Makan, Lashkar, Gwalior (M.P).

-Applicant

(By Advocate – Shri Shyam Kumar Sharma)

V e r s u s

1. Union of India, through O/o the Comptroller and Auditor
General of India, Regd Office Pocket-9, Deen Dayal
Upadhyaya Marg, New Delhi 110124.

2. The Accounts Officer, Office of the Accountant General
(Lekha & Haq daari) – II, MP Gwalior, Lekha Bhawan, Jhansi
Road, Gwalior (MP) 474002

-Respondents

(By Advocate – Shri M.K. Sharma)

ORDER (O R A L)

By Navin Tandon, AM.

This Original Application has been filed by the applicant
in Hindi, wherein the following reliefs have been sought for:

“8 – Relief sought:-

8.1 यह कि, माननीय अधिकरण से निवेदन है कि माननीय
अधिकरण आवेदक के आवेदन को स्वीकार करते हुए
अनावेदकगण के विरुद्ध इस आशय का आदेश पारित करे कि
अनावेदकगण कि त्रुटि के कारण आवेदक की आर्थिक स्थिति
सही नहीं रही और ताउम्र आवेदक को बेरोजगारी की जिन्दगी

यापन के लिए मजबूर होना पड़ा इसलिए आवेदक को विशेष क्षतिपूर्ति अनावेदकगण से दिलायी जावे।

8.2 यह कि, अनावेदकगण को आदेशित किया जावे कि अनावेदकगण आवेदक को सम्मानपूर्वक जीवनयापन करने के लिए पेंशन या प्रोवीडेंट फण्ड की व्यवस्था करे क्योंकि आवेदक द्वारा अनावेदकगण के यहां कार्य किया गया है जिसके प्रमाणपत्र अनावेदकगण क्रमांक 2 द्वारा आवेदक के हित में जारी किया गया है इस कारण से यह आवेदक का कानूनी अधिकार भी है कि वह पेंशन अनावेदकगण से प्राप्त करे।

8.3 यह कि, विकल्प में यदि माननीय अधिकरण पाती है कि वास्तव में आवेदक के साथ ग्रीवियन्स हुआ है तो आवेदक को जनवरी 1976 के बाद से आज दिनांक तक जो माननीय अधिकरण उचित समझे वह सहायता आवेदक को दिलायी जावे ताकि आवेदक अपना जीवनयापन सम्मानपूर्वक कर सके और आवेदक अपनी पुत्री का विवाह सम्मानपूर्वक कर सके क्योंकि अनावेदकगण द्वारा कदम-कदम पर झूठ बोलते हुए न केवल आवेदक को परेशान किया बल्कि आवेदक का जीवन दूभर कर दिया गया और आवेदक एवं आवेदक का परिवार को हरभांति शारीरिक, मानसिक एवं आर्थिक रूप से अनावेदकों के कृत्यों के कारण परेशान होना पड़ा इस कारण से माननीय अधिकरण से निवेदन है कि टेक्नीकलिट्यो को नजरअंदाज करते हुए आवेदक की ग्रीवियन्स को समझे एवं उचित आदेश पारित करे।

8.4 यह कि, अन्य न्यायोचित सहायता जो माननीय अधिकरण समझे आवेदक को अनावेदकगण के विरुद्ध दिलायी जावे तदहेतु आवेदक निवेदन् करता है।”

2. The applicant has submitted that he worked as Daily Paid Labour with the Accountant General, Gwalior, Madhya Pradesh from October, 1973 to January, 1976. He approached this Tribunal in Original Application No.552 of 1993, which was dismissed on 11.07.1994.

3. The applicant, thereafter, approached the Appellate Court where also he did not succeed.

4. The applicant sent an application dated 22.08.2016 (Annexure A-1) to the respondents and has subsequently filed this Original Application seeking the aforequoted reliefs.

5. The respondents, in their reply, have submitted that the O.A is barred by limitation and against the doctrine of *res judicata* and, therefore, is not maintainable.

6. Heard learned counsel for the parties, and pleadings available on record.

7. Learned counsel for the applicant submits that the sole point for which the applicant has approached this Tribunal is that in the order dated 11.07.1994 (Annexure A-2) of this Tribunal, it has been submitted by the respondents that the office of the Accountant General (A&E)-II came into existence on 29.05.1985. Since the respondents have misled this Tribunal in making the statement that the office of the Accountant General (A&E)-II came into existence on 29.05.1985, hence the relief prayed for by the applicant may be granted.

8. This Tribunal in its order dated 11.07.1994 in Original Application No.552 of 1993, has observed as under:

“The applicant is alleged to have been engaged in October, 1973 and discontinued in January, 1976. Thereafter, he made a representation on 20.11.1989 which was replied to on 29.3.90. The instant petition was filed on 15.7.93.

2. The learned counsel for the respondents have submitted that the office of the Accountant General (A&E)-II came into existence on 29.5.1985. Therefore, the certificate issued by the Lekhaadhikari is hardly relevant. In any case it is a stale matter. We are of the opinion that there is no warrant for our interference.

3. In the result, the petition is dismissed without any order as to costs.”

9. We find that the instant Original Application has been filed after more than 20 years of the orders of this Tribunal in OA No.552/1993. It is seen that even in the first instance, this Tribunal has observed that this is a stale matter and does not warrant any interference. As per the learned counsel for the applicant, the said order was also challenged in Hon’ble Apex Court but the applicant was not granted any relief. Approaching this Tribunal again after more than 20 years will not help the applicant at all as the O.A is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. Moreover, this O.A is hit by principle of *res judicata* as the order of this Tribunal (Annexure A-2) has been upheld by the Hon’ble Apex Court.

10. Accordingly, the O.A is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

am/-

(Navin Tandon)
Administrative Member