
(2011) 12 AHC CK 0046
In the Allahabad High Court
Case No : Writ-A. No. 70366 of 2011

Rajendra Prasad Ruhela

APPELLANT

Vs

Central Administrative Tribunal, Allahabad and Others

RESPONDENT

Date of Decision : 08-12-2011

Acts Referred:

Citation : (2011) 12 AHC CK 0046

Hon'ble Judges : Sunil Ambwani, J;Manoj Misra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. We have heard, learned counsel for the petitioner. Sri Vivek Singh appears for the respondents.

2. By this petition, the petitioner has prayed for following reliefs:-

1. issue a writ of certiorari quashing the impugned order dated 24.3.2009, review dated 2.11.2010 and Misc. Application filed against the review dated 18.10.2011 be quashed (Annexure Nos. 11, 13, 14 to this writ petition) and the O.A. No. 803/2005 be allowed.

2. issue a writ of mandamus commanding the respondents No.3 be directed to provide the petitioner the benefit of National Apprentice Certificate in Fitter Grade which he has passed in year 1972 and to provide to benefit of Apprentice Ship Training from 08.10.75 to 07.04.78 and to provide appointment under the apprentice ship Act instead of giving appointment as Khalasi unskilled on 13.05.1981 and to consider for promotion to Skilled Grade since 13.05.1981 during the pendency of the writ petition to the interest of justice.

3. issue any other writ, order or direction which this Hon''ble Court may deem fit and proper under the circumstances of the case.

3. The Central Administrative Tribunal has held that the petitioner''s case was earlier decided by the Tribunal, and thereafter by the High Court, and the Apex

Court.

4. In writ petition No. 37980 of 2009 filed against the order of the Tribunal dated 24.3.2009, this Court, vide order dated 31.07.09, held as follows:-

The writ petition has been filed challenging the judgment and order passed by Central Administrative Tribunal, Allahabad dated 24th March, 2009 whereby tribunal has held that the proceeding before it is hit by the principles of resjudicata since it has been adjudicated by the tribunal on earlier occasion and the contempt proceeding was also initiated. Apart from that the petitioner has joined in service as a non-skilled artisan and appeared in the selection for promotion to the skilled category against the 25 % vacancies meant for open market candidates, but did not qualify. Therefore, we do not find any reason or justification to interfere with the order impugned and the writ petition is dismissed, however, without any order as to cost.

5. In the judgment of the Tribunal dated 24.3.2009, giving rise to this writ petition, it was held that the findings recorded by the Tribunal in the earlier O.A. had neither been disturbed nor set aside by the Supreme Court by order dated 22.8.1988, and as such rule of constructive res judicata applies. The review petition filed by the petitioner was dismissed on 2.11.2010, on the ground that it was filed beyond the period of limitation and no delay condonation application has been filed, as well as the fact that the Original Application No. 803 of 2005, was dismissed on merits.

6. The petitioner was not satisfied, and filed recall application, which was also dismissed by the Tribunal on 18.10.2010.

7. The petitioner appears to be pursuing the case inspite of losing the matter in the Tribunal, High Court and thereafter in Supreme Court.

8. We do not find any good ground, to interfere with the judgment of the Tribunal.

The writ petition is dismissed.