

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

17.

O. A. No. 507 of 2010

Surender Kumar Ex. Petty Officer

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. Sukhjinder Singh, Advocate.

For respondents: Sh. Ankur Chhibber, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. Z. U. SHAH, MEMBER.

ORDER

4.5.2011

The petition was dismissed by a speaking order passed by the Division Bench of Bombay High Court. Though no body appeared on behalf of the petitioner, the order reads as under:

"Nobody is present on behalf of the petitioner. In view of the statement made in para 4 of the reply affidavit wherein the Staff Minute Sheet dated 24th January, 2007 is not disputed and is stated to be in order of merit, grievance of the petitioner does not survive. There is no merit in the petition and the same is dismissed."

Thereafter, the application was made for review which was also rejected by the Division Bench on 1.1.2010. Now the petitioner has again filed this petition submitting that he was asked to approach the respondents and after that, he has approached this Court. Their Lordships have already gone through the matter and recorded their finding. So as per the judicial precedent of '*res judicata*' we cannot interfere in the matter. Hence, the petition is dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

Z.U. SHAH
(Member)

New Delhi
May 4, 2011