



**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

28/02/2020

O.A./260/736/2016

G GATIA JENA

-V/S-

M/O RAILWAYS

ITEM NO:15

FOR APPLICANTS(S) Adv. : Mr.A.N.Das

FOR RESPONDENTS(S) Adv.: Mr. S. K.Ojha

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsels for the applicant and the respondents.</p> <p>It is pointed out by the respondents that the applicant had filed OA 632/2006 which was dismissed on merit vide Tribunal's order dated 31.7.2009 (Annexure R/6 of the Counter), as averred in the Counter. It is seen that in the Rejoinder filed by the applicant this contention has not been contradicted. Learned counsel for the applicant submitted that on a different ground, a subsequent representation was filed by the applicant and the same was ordered to be disposed of by this Tribunal in a subsequent OA filed by the applicant.</p>
	<p>In view of the above submissions, I am of the view that since the Tribunal had already dismissed the OA No. 632/2006 on merit, similar prayer cannot be adjudicated even though by another order, Tribunal had directed for disposal of representation. There is nothing on record to show that the applicant had challenged the order dated 31.7.2009 of this Tribunal (Annexure R/6). Learned counsel for the respondents cited the judgment of Hon'ble Apex Court in the case of R.Unnikrishnan & Another -vs- v.K.Mahanudevan & Others [2014 (2) SCC (L&S) 135] in support of his arguments.</p>

Therefore the OA is dismissed as not maintainable on the ground of the principle of res judicata. The applicant will however be at liberty to seek appropriate remedy available to him under the provisions of law. There will be no order as to costs.

Copy of this order be handed over to both the learned counsels.

(GOKUL CHANDRA PATI)
MEMBER (A)

I.Nath

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