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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No.161/2001
OA No. ~~638~~/2001

New Delhi, this the 15th day of the May, 2001

HON'BLE JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

Smt. Lila Wati
W/o Shri Tej Singh and Legal Representative
of Late Shri Tej Ram, Ex-
Hospital for Mental Diseases,
G.T.Road, Delhi-110094.

AND RESIDENT OF:

7/68, Gali Yudhisthr,
Viswas Nagar, Shahdara Delhi-110032.

... Applicant

V E R S U S

GOVT. OF NCT OF DELHI, THROUGH:

1. Secretary, Medical and Public Health,
Govt. of NCT of Delhi,
5, Sham Nath Marg, Delhi-54.
2. Medical Superintendent,
Institute of Human Behaviour and Allied Diseases,
(Hospital for Mental Diseases),
G.T. Road, Delhi-94.

... Respondents

ORDER By Circulation

By Shri Govindan S. Tampi, Member (A):

RA No 161/2001 has been filed seeking recall and review of our order dated 19.3.2001 in OA No. ~~638~~/2001.

2. OA No. ~~638~~/2001 had been filed by the applicant claiming payment of gratuity in the sum of Rs.18,391/- while examining the OA it was observed by us that an earlier OA i.e. No.2324/1996 filed by the applicant had been disposed of on 4.11.1997, allowing it but holding that respondents were entitled to withhold the gratuity towards non-payment of occupation charges of government quarters in possession of the applicant. The present OA,

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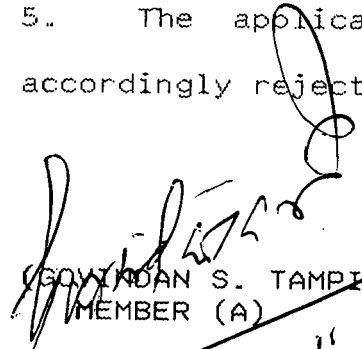
(2)

claiming the very same relief which had been denied in the earlier OA, was hit by principle of res judicata and was accordingly rejected by us summarily.

3. According to the review applicant, OA 638/2001, was not hit by res judicata, as a coordinate Bench of the Tribunal had given him freedom to file a fresh OA while disposing the CP No.265/1998 in OA 2324/1996.

4. We have carefully considered the RA. We observe that our order dated 19.3.2001 has been pronounced in the Court when the applicant's counsel was also present. It is seen that the earlier OA, had claimed payment of a number of items including gratuity, interest ~~on~~ delayed payment of GPF, Bonus, Leave encashment etc. While disposing the same, the claims except the one relating to gratuity have been granted. Therefore, we had held that the present OA is hit by res judicata. Review applicant's plea that the fresh OA was protected by the Tribunal's decision dated 28.2.2001 in CP NO.265/1998 does not stand to reason. Nor does it have any sanction in law, as the issue has been specifically decided earlier. The applicant has not been able to make out any case that there was any error on the face of the record warranting any recall and review.

5. The application having no merit fails and is accordingly rejected in circulation.


(GOVINDAN S. TAMPI)
MEMBER (A)

/Patwal/


(ASHOK AGARWAL)
CHAIRMAN