

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
OA- 1378/98

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New Delhi this the 11th day of May 1999

Hon'ble Shri R.K. Aahooja, Member (A)

Bharat
S/o Shri Shiv,
R/o Rly. Qr. No. 23/4, Baghpat Road,
District Meerut (U.P)Applicant
(By Advocate: Shri S.N. Shukla)

Versus .

Divisional Railway Manager,
Northern Railway,
DRM Office, Estate Entry Road,
New Delhi-110 001.Respondents.
(By Advocate: Shri R.P. Aggarwal)

ORDER (Oral)

By Hon'ble Shri R.K. Aahooja, Member (A)

Applicant's grievance is that the respondents are charging the damage rent @ Rs. 1060/- by deducting the same from his pay illegally. His case is that he was allotted Quarter No. 23/4, Baghpat Road, District Meerut (U.P). while his office was located at Baghpat. Now the whole office in which he was working has been transferred to Barout. It is his case that since the new Hqr. is at a nearby place he is entitled to continue in the allotted premises and should be charged only normal rate of rent. Respondents in the reply have stated that the applicant has not come with clean hands before the Tribunal and he has suppressed the fact that he had filed OAs 1463/90 and 1924/92 before the Principal Bench of the Tribunal which have been disposed of by orders dated 25.10.90 and 29.7.93. The same issue had come up in these OAs and the case of the applicant was rejected. On the other hand the applicant has stated in the OA in para-7 that he had never filed any application regarding this matter before

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any other bench of the Tribunal.

2. In the rejoinder it has not been denied that the OAs mentioned by the respondents were filed by the applicant and it is only stated that applicant was not aware of the outcome of those OAs.

3. Learned counsel for the applicant submits that even though the question of payment/reduction of damage rent have been settled by the decision in OA-1463/90, the applicant has a fresh cause of action in regard to payment of rent thereafter for filing this OA. This argument cannot be accepted at all. The issue in OA-1463/90 was the order of the respondents to vacate the quarter in question and also the charging of the penal rent. The plea of the applicant in that OA was dismissed. Therefore, the present OA is clearly barred by res-judicata as the same issue has been decided by earlier OA-1463/90. I also do not find any force in the explanation given that the applicant was not aware of the outcome of the earlier OA filed by him. He has thus suppressed this material fact and misled the Tribunal.

4. In the circumstances I dismiss the OA. The applicant is liable to pay a cost of Rs. 1000/- (Rupees one thousand only) within a period of two months. The amount will be deposited with the CAT Bar Association for use to augment its library.

R. K. Ahuja
(R. K. AHOOJA)

Member (A)

cc.