

Central Administrative Tribunal  
Principal Bench

O.A.No.2106/98

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

New Delhi, this the 2nd day of November, 1998

Pandev,  
(Retd.) Chowkidar  
C.P.W.D. (Electrical)  
Electrical Division No.IV  
r/o Staff Quarter No.13  
Gandhi Samadhi Marg  
Mahatma Gandhi Marg  
New Delhi - 110 002. .... Applicant

(By Shri Ashish Kalia, Advocate)

Vs.

Union of India through

1. The Chief Engineer (Electrical)  
C.P.W.D., Nirman Bhawan  
New Delhi - 110 011.
2. The Superintending Engineer (Electrical)  
C.P.W.D., Electrical Division No.IV  
I.P.Bhawan, I.P.Estate  
New Delhi.
3. The Secretary  
Ministry of Urban Development  
Nirman Bhawan  
New Delhi - 110 011. .... Respondents

ORDER (Oral)

The applicant had come earlier in OA No.280/96 seeking a direction to the respondents to arrange payment of Night Duty Allowance to which he claimed to be entitled. The OA was disposed of with a direction to the respondents to consider applicant's representation. Alleging non-compliance of the direction of this Tribunal applicant filed Contempt Petition No.377/97 which was dismissed as barred by time.

2. The present OA has been filed on the same grievance seeking a direction to the respondents to arrange the payment of Night Duty Allowance. On the

On

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question of res-judicata the learned counsel for the applicant submits that this bar does not apply as the matter has not attained finality between the parties. I am unable to agree with the learned counsel. The same point was agitated before the parties in OA No.280/96 and was disposed of by the Tribunal with certain directions. The applicant followed it up with a Contempt Petition which was dismissed as time barred. Having failed thus to pursue his claim, he cannot have the matter reopened by filing an OA, thus seeking through fresh litigation what he could not obtain through the Contempt Petition.

3. In view of the above position, the OA is dismissed as the same is barred by res-judicata.

*Rao*  
(R.K. Andeja)

Member(A)

/rao/