

19

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,

R.A.132/96

IN

OA 1096/94.

New Delhi, this 22nd day of August, 1996.

HON'BLE MR.S.R.ADIGE MEMBER (A).

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Shri Kula Nand,
S/o Shri Maha Nand,
23C, Railway Colony,
Tughlakabad,
New Delhi

.....Applicant.

By Advocate: Shri G.D.Bhandari.

Versus

Union of India, through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
 2. The Divisional Railway Manager,
Northern Railway,
Paharganj,
New Delhi.
 3. Sr. Divisional Mechanical Engineer,
Northern Railway,
New Delhi.
 4. The Divisional Mechanical Engineer,
Northern Railway,
DRM Office,
New Delhi.
 5. Loco Foreman,
Tughlakabad,
New Delhi.
 6. The Divisional Personnel Officer,
Northern Railway,
New Delhi
-Respondents.

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER (A).

We have heard review petitioner's counsel

A

20

Shri G.D.Bhandari on R.A.No.132/96 praying for review of judgment dated 24.5.96 in OA 1096/94.

2. By the impugned judgment, OA 1096/94 was dismissed as being hit by resjudicata on the ground that the applicant had filed OA 1614/94, which was dismissed on merits by a court of competent jurisdiction on 19.8.94, and in the two OAs the parties, the counsel, the issues framed, and the reliefs claimed were the same.

3. The first ground taken in this OA is that the reliefs claimed in the two OAs are not the same. In OA 1096/94, the relief claimed (para 8) is payment of backwages along with arrears, seniority, promotion and other benefits equivalent to his next junior. This relief is identical to what is claimed in para 8(iii) and 8 (iv) of OA 1614/94. This ground is therefore wholly baseless.

4. The second ground taken is that the advocates in both the OAs were not the same. From a perusal of the judgments in both the abovementioned OAs, it is clear that Shri G.D. Bhandari Advocate had argued the applicant's case in both the cases.

5. That apart, none of the grounds taken in the RA bring it within the scope and ambit of Section 22(3)(f) A.T.Act, 1985 read with Order 47 Rule 1 CFC under which alone any judgment/ decision/order of the Tribunal can be reviewed.

6. The R.A. is rejected.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
MEMBER (A)

/ug/