

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI.

O.A.No.356 of 1995

New Delhi: this the 13<sup>th</sup> day of December, 1996.

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

Onkar Singh Yadav,  
Ex. Deputy Chief Controller,  
Northern Railway,

r/o 787, WZ Palem Village,  
New Delhi

.....Applicant.

(By Advocate: Shri A.K. Bhardwaj)

Versus

1. Union of India, through  
the General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. The Divisional Railway Manager,  
Bikaner Division,  
Northern Railway,  
Bikaner,  
Rajasthan.

3. The Divisional Personnel Officer,  
Bikaner Division,  
Northern Railway, DPM Office,  
Bikaner

.....Respondents.

(By Advocate: Shri R.L. Chauhan)

JUDGMENT

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

Heard.

2. In so far as relief (a) is concerned, respondents have correctly pointed out that the matter stands finally concluded by order dated 3.2.94 in C.P. No. 356/93 and the claim is barred by res-judicata, as the same issue has been finally adjudicated between the same parties and cannot be revived again through this O.A.

3. In so far as relief (b) is concerned, the

photocopy of the leave account statement (Annexure-36) bears <sup>cut</sup> ~~into~~ the respondents' contention as contained in their addl. affidavit dated 1.3.96 to which there is no rebuttal, that the applicant remained absent from duty owing to sickness during the period November, 1993 to 8.6.94 and there being no leave due to his credit for the said period, the same was treated as leave without pay under rules except for the period 21.2.94 to 28.2.94 which was treated as MC and leave salary was paid to him.

4. In so far as relief (c) is concerned, from respondents' reply as supported by their letter dated 29.4.95 (Annexure-R7) it appears that when applicant retired on superannuation on 30.6.94, a sum of Rs.47025/- stood payable to him on account of gratuity, from which a sum of Rs.19169 was adjusted towards over payments made to him for various periods during 1993-94 when he was absent from duty and had no leave salary due to his credit. This is also supported by the contents of the addl. affidavit dated 1.3.96 filed by the official respondents. There is no rebuttal by the applicant to the respondents' reply or this addl. affidavit. In fact respondents point out that a sum of Rs.290/- is still owed by the applicant to them after making recoveries of overpayments made as permissible under Rule 15 Railway Service (Pension) Rules, 1993.

5. Under the circumstance, this OA calls for no judicial interference. It is dismissed. No costs.

*(Signature)*  
( S.R. ADIGE )  
MEMBER (A)

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