

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

22

O.A. No. 2557 of 1996 Decided on: 26.3.98

Vasudev Jhamandas Devarakhyani APPLICANT(S)

(By Advocate: Shri T.S. Choudhary )

VERSUS

U.O.I. & Ors.

RESPONDENTS

(By Advocate: Shri Harvir Singh proxy )  
counse for Mrs. P.K.Gupta

CORAM

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

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO.

*S.R. Adige*  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

CENTRTAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 2557 Of 1996

New Delhi, dated the 26<sup>th</sup> March, 1998

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

Vasudev Jhamandas Devarakhyani,  
S/o J.D. Devrakhyani,  
R/o C/o Ramesh Allani,  
Block F,  
7/13, Paryavaran Bhawan,  
Kushinagar,  
Jamapur,  
Delhi.

.... APPLICANT

(By Advocate: Shri T.S. Choudhary)

Versus

1. Union of India through  
the Secretary,  
Ministry of Communication,  
Govt. of India,  
New Delhi.
2. Chief Post Master General,  
M.P. Circle,  
Bhopal,  
Madhya Pradesh
3. Sr. Supdt. of Post Offices,  
Bhopal Div.,  
Bhopal,  
Madhya Pradesh

... RESPONDENTS

(By Advocate: Shri Harvir Singh  
proxy counsel for  
Mrs. P.K. Gupta)

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

In this O.A. applicant has prayed for

(i) reimbursement of legal expenses for prosecuting litigation for 17 years:	Rs. 52,565.00
(ii) Payment of TA Bills:	12,000.00
(iii) Leave Encashment for 350 days:	30,000.00
(iv) Interest from 9.1.70 to 31.3.91	2,00,000.00
Total	2,94,565.00

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2. However, during hearing applicant's counsel Shri T.S. Choudhary pressed for

- (i) Legal Expenses
- (ii) Interest on arrears
- (iii) Consequential promotions

3. Thus 2(iii) above has not even been prayed for in the O.A.

4. The brief history of this case along with Chronology of events is contained in Pages 1-3 of respondents' reply, which is not denied by applicant in rejoinder, and is not being repeated.

5. Respondents have asserted inter alia that the O.A. is barred by Res. Judicata.

6. I have heard applicant's counsel Shri Choudhary and Shri Harvir Singh, proxy counsel for Mrs. P.K. Gupta for respondents.

7. In so far as the prayer for consequential promotions is concerned, the same not having been prayed for in the O.A. itself, is clearly outside the pleadings. In so far as the prayer for legal expenses and for interest on arrears are concerned, the same is squarely hit by Section 11 Explanation IV C.P.C. as also by Order 2 Rule 2

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(3)

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C.P.C. I am supported in my view by the Hon'ble  
Supreme Court's ruling in Commissioner of Income  
Tax, Bombay Vs. T.P. Kumaran ATJ 1996 (2) 665.

8. The O.A. is dismissed. No costs.

*S.R. Adige*  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

/GK/