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Central Administrative Tribunal
Principal Bench: New Delhi
Original Application No. 699 of 1996

New Delhi this the 28th day of May 1997.

Hon'ble Mr N. Sahu, Member (A)

Dr. Pranvir Singh
Division Medical Officer
Health Unit Tuglakabad
New Delhi - 110 044.

...Applicant.

(By advocate: Mr K.P.Dohare)

Versus

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi - 110 001.
2. Divisional Supdt. Engineer/Estate
D.R.M.'s Office
State Entry Road
New Delhi - 110 001.
3. Dr. O.P.Sharma
Chief Medical Supdt.
Divisional Railway Hospital
Delhi - 110 006.

...Respondents.

(By advocate: Mr R.L.Dhawan)

ORDER (Oral)

Hon'ble Mr N. Sahu, Member (A)

The prayer in this OA is to quash order No.159-E0/7-1728/94 dated 9.2.96 for charging penal rent from 2.7.1993 to 23.6.95 in respect of Quarter No. 48, Railway Colony, Tuglakabad, New Delhi and to direct the respondents not to charge penal rent from the applicant in respect of the said quarter for this period.

2. This matter was the subject of several earlier OAs. Suffice it to say, as learned counsel for the respondents Mr. R.L.Dhawan has pointed out, that on these very grounds, OA 2238/94 has been disposed of by a single Bench by an order dated 8.7.96 with the following observations:



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"In the light of the foregoing, this application is dismissed but it is, however, provided that the liability for penal rent should be reckoned only from 14.9.94 till the date of actual vacation of the quarter."

3. Shri R.L.Dhawan states that in view of this order of the Bench, the present OA is barred by the principle of res-judicata.

4. Learned counsel Shri K.P.Dohare states that the direction that the penal rent should be reckoned 'from 14.9.94 till the date of actual vacation of the quarter' did not take into account :

(i) the order of this Bench and an order of another single Bench dated 17.10.95 in which it is stated that the question of rent to be charged would be for the intervening period from 13.9.94 to 20.5.95.

(ii) It did not take into account Annexure A-2 (Page 22 of the paper book) in which following the judgement of CAT, Quarter No.48, Railway Colony, Tuglakabad has been regularised in the name of Dr. Pranvir Singh w.e.f. 24.6.95. Thus the period for charging penal rent, according to Mr. K.P. Dohare, should be from 14.9.94 to 20.5.95 or 24.6.1995. Secondly, Mr Dohare mentions that this charging should be in accordance with the rules. These two aspects can be brought to the notice of the Hon'ble Judge who

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passed the order on 8.7.96 for his consideration.

With these remarks, OA is dismissed on ground of res-judicata. In the circumstances, no costs.

N. Sahu
(N. Sahu)
Member (A)

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