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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1466/97

New Delhi: this the 15th day of December, 1998.

HON'ble Mr. S.R.Adige, Vice Chairman (A)

Shri Badri Prasad,
S/o Shri Tota Ram,
R/o 1/3 CPWD Service Centre,

DI 2 Area, Sector IV,
New Delhi

..... Applicant.

(Shri Surinder Singh, Advocate)

Versus

Union of India through

1. The Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

2. Director of Estates,
Nirman Bhawan,
New Delhi.

3. The Executive Engineer &
Estate Officer,
Smt. S.K.Hospital Division,
CPWD,
New Delhi.

..... Respondents.

(By Advocate: Shri R.V.Sinha)

ORDER

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

Applicant impugns respondents' notice dated 2.3.96 under Section 4(1) and 4(2)(b) P.P.(EUD) Act (Annexure-A1) directing him to vacate quarter No.3(Type-I) CPWD, Service Centre, DI 2 Area, Sector IV, New Delhi and seeks a direction to allot him a suitable quarter as per his entitlement and as per rules.

2. Heard both sides.

3. Applicant was earlier a party to OA No.1275/96 in which he had challenged respondents' eviction order dated 14.5.96 in regard to this very quarter.

That OA was dismissed by order dated 28.1.97 in which the prayer for allotment of alternative accommodation was also rejected. Clearly this OA is squarely hit by the principle of Res-Judicata, and this legal position remains unaffected by the contents of the minutes of the meeting held by respondents on 2.4.98 (copy taken on record), the notes exchanged by respondents in this regard, as well as applicants' representation to respondents dated 18.6.98 (also taken on record).

4. In this connection applicant had earlier filed Suit No.140/91 for permanent injunction against eviction from the aforementioned quarter which was also dismissed by common judgment dated 28.8.91 by the Sub-Judge, Delhi.

5. The OA is therefore dismissed. No costs.

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

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