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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 2501/2000

New Delhi this the 29th day of November, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Shri K.Sivaraman  
Senior Personal Assistant  
O/o Navodaya Vidyalaya Samiti  
A-39, Kailash Colony  
New Delhi-110 048. .... Applicant

(By Advocate Shri R.K.Singh)

-versus-

1. Navodaya Vidyalaya Samiti  
Through the Director  
A-39, Kailash Colony  
New Delhi-110048.
2. P. K. Sharma  
Section Officer  
O/O Navodaya Vidyalaya Samiti  
A-39, Kailash Colony  
New Delhi-110048.
3. Smt. Veena Sharma  
Senior Personal Assistant  
O/O Navodaya Vidyalaya Samiti  
A-39, Kailash Colony  
New Delhi-110048. ... Respondents

O R D E R (ORAL)

Justice Ashok Agarwal:-

Applicant had earlier filed OA No. 2234/1999 claiming the very same reliefs as claimed in the present OA. Aforesaid OA, however, was permitted to be withdrawn by orders passed on 12.7.2000. The said withdrawal was permitted without granting liberty to institute a fresh OA on the same cause of action. Present OA, in the circumstances, is hit by res judicata under Section 11 of the Code of Civil Procedure, 1908. The same, therefore, cannot be entertained.

*[Signature]*

2. Applicant, however, had filed MA No.1682/2000 for revival of the aforesaid OA on the ground that his counsel has wrongly prayed for withdrawal. He had not been instructed by the applicant to withdraw the same. By an order passed on 23.10.2000 on the aforesaid MA No.1682/2000 in OA No.2234/1999, it has, inter alia, been observed that the Rules did not contemplate revival of an OA which had been withdrawn. Applicant, in the circumstances, had been permitted to ~~file~~ file a fresh OA. Hence the present OA. In our judgement, if one has regard to the provisions of Section 11 of the Code of Civil Procedure, 1908, the present OA will not be maintainable.

3. Aforesaid MA, we are informed, has not been finally disposed of but is directed to be placed on board of Court No.VII on 11.12.2000. Remedy of the applicant, if any, can only be had in the aforesaid MA. The same, if found, meritorious can justifiably be entertained under the provisions of Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987 which provides as under:-

"24. Orders and directions in certain cases.-The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice."

4. In the circumstances, the present OA is summarily dismissed.



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5. It will be open to the court hearing the aforesaid MA to dispose of the same on merits in terms of the aforesaid provisions of Rule 24.

*S. A. T. Rizvi*  
(S. A. T. Rizvi)  
Member (A)  
sns

*A. Agarwal*  
(Ashok Agarwal)  
Chairman