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In the Central Administrative Tribunal
Principal Bench, New Delhi.

Regn.No.OA-841/88

Date: 17.9.1993

Shri Charan Singh Applicant

Vs.

Union of India Respondents

For the Applicant Shri Ashish Kalia, Counsel

For the Respondents Smt. Raj Kumari Chopra,
Counsel with departmental
representative, Lt. Col.
S.K. Lamba.

Coram: Hon'ble Mr. J.P. Sharma, Member (J)

Hon'ble Mr. B.K. Singh, Member (A)

(Oral) Judgement

(By Hon'ble Shri J.P. Sharma, Member)

Shri Ashish Kalia, Advocate, appeared as
Proxy for Shri G.N. Oberoi, Counsel for the Applicant,
and prayed for an adjournment on the ground that he had
not gone through the file. However, we desired that he

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should argue the case because the case in the present form does not lie. Mrs. Raj Kumari Chopra, Counsel for the respondents, appeared in the pre-Lunch session and also prayed for an adjournment. However, she was told that the adjournment was not possible. She stated that the case be decided on the basis of the counter filed on record.

2. The applicant retired as Senior Barrack Store Officer (SBSO) in 1983. He filed OA-1128/86 before the Principal Bench praying for a direction to the respondents to make all payments finally on account of terminal benefits and other dues. All the dues claimed by the applicant were directed to be paid along with certain rate of interest. The respondents, in para.6.4 of the reply, stated that whatever the directions were in the judgement dated 19.5.1987, the answering respondents have faithfully implemented them. The applicant in the rejoinder in para. 6.4, has referred to the averments made in the rejoinder in reply to the preliminary objections taken in the counter. When we refer to para.1 of the rejoinder, we find a reference to the Full Bench judgement of the CAT, Hyderabad, reported in ATR (1) 1987, 547, where it is held that the payment of salary should be made for the period when the promotion was withheld. Another judgement referred to in the same para. is of the Principal Bench reported in 1988, ATR (2) 518. In the light of these judgements, the applicant craved for the grant of further reliefs.

3. Though the Civil Procedure Code is not applicable in the procedure to be followed in the cases filed before the Tribunal, yet the principal of law is as laid down under Order 2, Rule 2 C.P.C. that a petitioner

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should make all the claims against the defendant in one and the same suit, otherwise any suit for a subsidiary claim for which the cause of action had arisen earlier, will not be maintainable. The principles of natural justice also ordain that all these claims should be set up together and if there is multiplicity of claims in separate applications. It is not that. One claim is filed by the applicant in 1986 and now after a decision of that judgement, he files another claim through this application in 1988 and that too in the garb of implementation of the earlier judgement given in OA-1128/86.


4. We are, therefore, persuaded by the preliminary objections taken by the respondents that the present application is misconceived. In view of the above facts and circumstances, we find no merit in this application and the same is dismissed, leaving the parties to bear their own costs.

Copies to be sent direct to the respondents.



(B.K. Singh)

Member(A)



(J.P. Sharma) 17.9.93

Member(J)