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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

.....

O.A.NO. 2318/91

DATE OF DECISION: 20.01.1992.

SH. KRISHENA KUMAR

.....

APPLICANT

VERSUS

UNION OF INDIA

.....

RESPONDENTS

CORAM:-

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

FOR THE APPLICANT : APPLICANT IN PERSON

FOR THE RESPONDENTS : SH. P.H. RAMCHANDANI,
SR. COUNSEL

(ORAL JUDGEMENT)

The case is at the stage of admission, which is opposed by the learned Sr. Counsel for the respondents, on the ground that earlier applicant's claim was rejected, as far back as 31.3.1986, against which he had filed Special Leave Petition, in Hon'ble Supreme Court, which, too, was rejected, in the judgement dt. 13.7.1990, reported in AIR 1990 SC 1782. The learned Sr. Counsel for the respondents opposes the applicant's present application, submitting that whatever points the applicant had, in support of his case, ought to have been urged in the first application, and that, he is now barred from taking up some more points, which, he could have taken at earlier stage, but had not done so, as provided for in the Explanation to Section 11 Civil Procedure Court (under the Principle of Constructive Resjudicata).

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2. The applicant, by referring to ^{the} order passed by the Hon'ble Supreme Court on 8.7.1991 in his Writ Petition No.538/91, stated that, though it was dismissed as withdrawn, he was orally permitted to move a fresh O.A.

3. We have considered the rival contentions, as briefly mentioned above. Considering that the O.A. filed by the applicant, after thorough consideration of the matter involved, was dismissed by this Tribunal, on 31.3.1986, as earlier referred. Special Leave Petition filed against the said judgement was, also dismissed, by the Hon'ble Supreme Court, vide their judgement dt. 13.7.1990. A further petition filed by the applicant, too, was also dismissed, as withdrawn. In the circumstances, there is hardly any justification for entertaining or admitting the present O.A., being not maintainable, and hence dismissed.

T.S. Oberoi
(T.S. OBEROI)
MEMBER(J)
20.01.1992