

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA No. 2443/92 MP 2799/92 .. Date of decision: 12.08.93

Sh. B.G. Padbidri .. Applicant

Versus

Union of India .. Respondents

CORAM

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

Hon'ble Mr. S. Gurushankaran, Member (A)

For the applicants .. Sh.G.K. Aggarwal, Counse.

For the respondents .. None

J U D G E M E N T (Oral)

(Delivered by Hon'ble Mr. J.P. Sharma, Member (J))

We have heard the learned counsel at length. After hearing for some time, we find that the issue has already been decided by the Hon'ble Supreme Court (AIR 1992 SC 1479) in the case of V.O.I. V/s Komal Charan where it has been held that it is not applicable to NCC and they are paid from Defence Service Estimates and not from the Civil Estimates and the age of superannuation is also not the same.

The learned counsel for the applicant has argued that this case is not barred by the principle of resjudicata and legal maxim applies only to the parties ⁱⁿ the sued /proceedings. However, since there is a direct decision by the Hon'ble

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Supreme Court, on this point, we do not find any merit in the application and the preliminary objection raised by the applicant ^{and} the application is dismissed at the admission stage itself.

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12/8/93
(S. Gurusankaran)

Member (A)

J.P. Sharma
(J.P. Sharma)

Member (J)