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RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 1249 of 1988.

M.S. Rai & 8 others .... Applicants.

Versus

Union of India & another .... Respondents.

Hon'ble D.K. Agrawal, J.M.  
Hon'ble K. Obayya, A.M.

(Delivered by Hon. D.K. Agrawal, J.M.)

The prayer in this application under Section 19 of the Administrative Tribunals Act, 1985 is in the following terms:

"9.(a) In view of the above respectful submissions, it is prayed that the respondents be commanded by an appropriate direction to correct the seniority of applicants' batch No. 74 of 1965, giving due weightage of their officiating in Fireman 'A' category and also giving other consequential benefits thereof."

2. Briefly, the facts are that the applicants ( nine in number) filed Civil Suit No. 557 of 1982 in the court of Munsif, Jhansi, which, on the enforcement of the Administrative Tribunals Act, was transferred to the Tribunal and registered as T.A. No. 740 of 1986. It was dismissed for want of prosecution on 5.2.1987. Misc. Application No.53/B/T/87 for restoration was also dismissed by a detailed order dated 26.8.1987. Thereafter the applicant filed the present application on 1.11.1988. A comparison of the plaint of aforementioned Civil Suit No.557 of 1982 and the present original application would go to show that all the paras of the plaint have been copied out. The relief claimed is also the same. The grievance of the applicants appears to be that since the civil suit has not been decided on merits, therefore, they are entitled to file the present application for the same subject matter and relief.

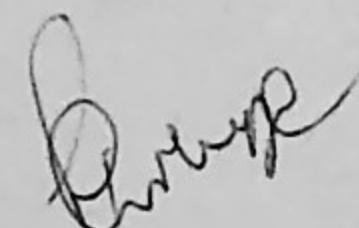
*D.K.Agrawal*

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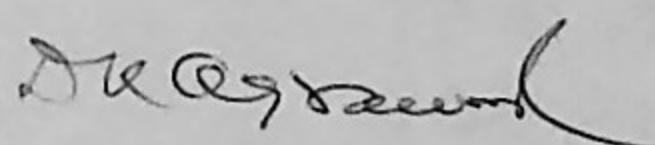
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3. After the original application was filed, about a dozen adjournments were taken by the applicant or his counsel for addressing arguments on the question of admission. On the last date fixed for hearing on admission, i.e. 19.11.1990, a request was made in the pre-lunch period to pass over the case and to be taken up in the revised list. When the case was taken in the revised list, Sri H.P. Chakraborty, Advocate, desired adjournment. It was refused on the ground that the claim petition relates to the year 1988 and about a dozen adjournments have already been granted. In the circumstances, we ~~were~~ deprived of hearing the counsel for the applicant. We ourselves perused the record.

4. We are of the opinion that this application is barred by principles analogous to res judicata. The subject matter of this application is the same as of T.A. No. 740 of 1986, which has been dismissed. Therefore, this application is rejected at the admission stage itself.



MEMBER (A).



MEMBER (J).

Dated: November 21<sup>st</sup>, 1990.

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