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B. Baba Vrs. C.A.G.

Admission Sl. No. 1

O.A. No. 534 of 2016

Order dated: 22.08.2016

CORAM

HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)

HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Heard Mr. S.K.Ojha, Ld. Counsel for the applicant, and
Mr. S.K.Patra, Ld. Addl. Central Govt. Standing Counsel for the
Respondents, on whom a copy of this O.A. has already been served.

On the last occasion, i.e. on 08.08.2016, Mr. Patra
submitted that the instant O.A. is hit by the Principle of res judicata
because on the self same relief the applicant had filed O.A. No. 791/15,
which was disposed of on 19.11.2015. Accordingly, we directed the
Registry to list this matter along with O.A. No. 791/15. On perusal of
the record, we find that O.A. No. 791/15 was listed before the Single
Bench of Member(Judicial) on 19.11.2015 and taking into account the
representation preferred by the applicant on 21.07.2015 and
01.09.2015, the matter was disposed of at the admission stage by
directing respondent No.2 to consider the said representations, if they
have been filed and pending consideration, and communicate the result
thereof by way of a reasoned and speaking within a period of two
months from the date of receipt of the order. We find that the



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representation dated 21.07.2015 and 01.09.2015 were preferred with the sole prayer to repost/retransfer the applicant to the office of the Principal Accountant General (E&RSA), Orissa, Bhubaneswar from his place of transfer, i.e. Puri. After going through the records of the instant O.A., we find that the instant O.A. is not hit by the principle of res judicata.

We find that after disposal of O.A. No. 791/15 certain development has taken place but the applicant has not challenged those orders.

After hearing in extenso, Mr. Ojha prayed to withdraw this O.A.No. 534/16 to file a better application. Taking into account a memo filed in this regard and after hearing Ld. Counsels for both the sides, O.A. is disposed of being withdrawn to file a better application.


MEMBER (Admn.)


MEMBER (Judl.)

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