

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH
- - -

O.A. No. 660 of 1996.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.
HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Aloke Kumar Chowdhury,
S/o- Late, Rajendra Nath Chowdhury,
working as Switch Board Attendance
under the Garrison Engineer,
North Calcutta (Military Engineering
Service) a resident of T.N. Banerjee Rd,
PO. Sukhchar, Sodepur, 24 Pgs.(N).

... Applicant.

Vrs.

1. Union of India,
service through the Secretary,
Ministry of Defence, Rakshya Mantralaya,
New Delhi.
2. Engineer-in-Chief, Army HQs.
Kashmir House, New Delhi.
3. Chief Engineer, E. Command,
Fort William, Cal-21.
4. Chief Engineer, Calcutta,
Gurusaday Road, Cal-19.
5. Commander Works Engineer, Barrackpore,
PO. Barrackpore.

... Respondents.

For applicant : Mr. N.C. Chakraborty, Counsel.

For respondents : Mr. M.S. Banerjee, Counsel.

Heard on : 11.12.97 and
12.12.97.

Ordered on : 12.12.97.

O R D E R

B.C. Sarma, AM.

1. This application has been filed by the applicant, who is an Electrician under the respondents praying for the reliefs as follows :-

- (i) That the respondents may be directed to produce all records before the Hon'ble Tribunal with adequate justification of the arbitrary recovery of such a huge amount;

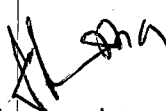
Contd..P/2.

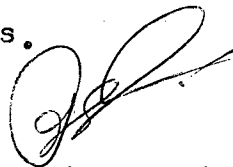
- (ii) On being satisfied and perusal of the records if the Hon'ble Court feels that some arbitrary action has been taken the respondents may be directed to refund the amount so recovered and stop deduction of the instalment;
- (iii) Any other order or orders as the Hon'ble Tribunal may seem fit in the circumstances of the case.

2. The case has been opposed by the respondents by filing a reply, which we have perused.

3. We find that the applicant had earlier filed another O.A. bearing No. 262 of 1996 which was withdrawn by the applicant and such withdrawal was ordered on 16.4.1996 by the Tribunal. On a perusal of the said record we find that the relief prayed for in that withdrawn petition is substantially the same as the reliefs prayed for in the instant application. No liberty was granted by the Tribunal to file a fresh application by the applicant nor was it prayed for. The law regarding such a position is very clear from the public policy as enshrined in Order 23 Rule 1 of the Civil Procedure Code. On the basis of the said Rule under C.P.C, therefore, we have no hesitation to hold that the instant application is not maintainable in the present form and it is liable to be dismissed.

4. For the reasons given above, the application is dismissed without passing any order as to costs.


(D. Purkayastha)
Member (J)


(B.C. Sarma)
Member (A)