

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA.1111 of 1996

Date of Order: 10-02-98.

Present: Hon'ble Mr.Justice S.N.Mallick, Vice-Chairman.

Hon'ble Mr.S.Dasgupta, Administrative Member.

BHOLA

-VS-

UNION OF INDIA & ORS.

For the petitioner: NONE.

For the respondents: Mr.P.K.Arora, counsel.

Heard on: 10-02-98.

O R D E R

S.N.Mallick, VC.

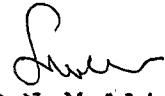
No one has appeared for the petitioner and it appears from the record that none also appeared for the petitioner on 31.12.96, 29.4.97 and 8.9.97. It is also noted that on 31.12.96, the 1d.counsel for the respondents appeared and opposed the application on the ground that the instant application is legally incompetent for being admitted. Mr.Arora submits that the Original Application being TA no.1778/86 dt.25.6.90 filed by the petitioner for setting aside and quashing the Order of Termination of his service by the respondent authorities as per Annexure-B (undated) to the petition, was dismissed for default on 25.6.90 by this Tribunal.

In the instant application, the petitioner has come up for setting aside the said impugned order of termination and also the order of dismissal of the earlier case passed by this Tribunal on 25.6.90 being the aforesaid TA no.1778/86. The application is wholly misconceived as well as vexatious and it is barred by the principles of res-judicata. Be it further noted that the law is well-settled that no-one can approach the Court on the second occasion after the Court has disposed of his earlier case, Mr.Arora, has submitted that this is a fit case that <sup>does not affect any application for termination of an earlier case filed by a client.</sup> <sup>when</sup>

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costs be awarded and in view of the circumstances of the case,  
we agree with this views.

We, accordingly, dismiss this application with  
costs which we assess at Rs 500/- (Rupees five hundred) ~~and~~ to  
be paid by the petitioner to the respondents.

  
(S. Dasgupta)  
Member(A)

  
(S.N. Mallick)  
Vice-Chairman.