

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 194 of 1996.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

ALOK KR. BERA

VS.

UNION OF INDIA & ORS. (E.Rly)

For Applicant : Mr. B.M. Goswami, Counsel.

For Respondents : Mr. P.K. Arora, Counsel.

Heard on : 28.1.97.

Ordered on : 28.1.97.

O R D E R

B.C. Sarma, AM

1. This application has been filed by the applicant challenging the order of suspension issued by the respondents on 11.5.1994 as set out at Annexure 'A' to the application.
2. When admission hearing of the matter was taken up today, Mr. Arora, 1d. Counsel appearing for the respondents, strongly opposes the admission of the application. Mr. Arora submits that the applicant had filed another O.A. bearing No. 887 of 1994 which was adjudicated by this Tribunal on 9.11.1994, as set out as Annexure to the reply by the respondents. Mr. Arora submits that the applicant had filed that original application exactly on the same-self issue assailing the suspension order dated 11.5.1994. Therefore, this application is barred by resjudicata. Mr. Arora also submits that the application is frivolous.

3. We have heard the submission of the learned Counsel for both the parties, perused records and considered the facts and circumstances of the case. We have also perused the Judgement dated 9.11.1994. We find that that O.A. 887/94 was filed by the applicant assailing the suspension order issued against him on 11.5.94 and in this case as well, the same Order has been assailed. We have, therefore, no doubt that this application is barred by the principle of resjudicata and hence, it is liable to be rejected summarily at the stage of admission itself. We are also of the view that the application is frivolous in nature and the applicant had intended to abuse the process of the law available to him.

4. In view of the above, the application is dismissed since it is barred by resjudicata. We further order that the applicant shall pay a cost Rs. 500/- to the railway-respondents within a period of 2 months from the date of communication of this Order.


MEMBER (J)


MEMBER (A)