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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXXXX~~

NEW BOMBAY BENCH

O.A. No. - 198-  
T.A. No. -  
Application Stamp No. 751 of 1987.

DATE OF DECISION 27.1.1988

Shri A.K.Gurnani ~~Respondent~~ Applicant.

Shri G.S.Walia Advocate for the Applicant ~~Respondent~~ (s)

Versus

The Union of India through  
The General Manager, Western Rly,  
Bombay and two others. Respondent

- Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. B.C.Gadgil, Vice-Chairman.

The Hon'ble Mr. J.G.Rajadhyaksha, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Application Stamp No. 751 of 1987.

Shri A.K.Gurnani,  
C/o Shri G.S.Walia,  
Advocate High Court,  
89/10, W.Rly.Employees Colony,  
Matunga, Bombay-19.

Applicant

V/s

1. The Union of India through  
The General Manager,  
Western Railway,  
Bombay.
  2. The Divisional Railway Manager,  
Western Railway,  
Bombay Division,  
Bombay Central, Bombay.
  3. Sr.Divisional Commercial Superintendent,  
Bombay Division of W.Rly,  
Bombay Central.
- Respondents

Coram: Hon'ble Vice-Chairman B.C.Gadgil.  
Hon'ble Member (A) J.G.Rajadhyaksha.

Appearance

Shri G.S.Walia,  
Advocate  
for the applicant.

ORAL JUDGMENT  
(Per B.C.Gadgil, Vice-Chairman)

Dated 27.1.1988


This is the third round of litigation regarding the dismissal of the applicant from railway service on 12.6.84.

1. We have heard Mr.G.S.Walia for the applicant and in our opinion the application deserves to be summarily dismissed for the following reasons. After holding a departmental enquiry, the applicant was dismissed on 12.6.1984. He filed a writ petition No.1936/84 in the High Court of Judicature at Bombay. It was summarily dismissed ~~on 29.10.84~~. He then preferred a Letters Patent Appeal No.99/1984 in the High Court which was also dismissed on 29.10.84. The applicant then filed an Original

Application No.86/87 in this Tribunal. It was also summarily dismissed on 18.3.87. The applicant has now filed the present application again challenging the said dismissal order on 12.6.84.

2. The applicant has submitted a memorial to the President of India on 20.3.87 making a grievance about his dismissal. It was also not entertained.

3. Mr.Walia submits that if the decision of the Full Bench of the Tribunal in Tr.Application No.2/86 decided on 6.11.1987 was applied in this case, the Enquiry Officer's report should have been given to the applicant before passing the final penalty order and that in the present case, this procedure had not been followed. He, therefore, contended that in view of the above mentioned Full Bench decision, the matter can be entertained afresh and decided on merit. We are afraid this will not be permissible. What has been done by the Full Bench is a statement of Law and in our opinion such statement of Law does not permit an applicant to file a fresh application after he has lost in the High Court and also in this Bench. The application is therefore summarily dismissed.

  
(B.C.GADGIL)  
VICE-CHAIRMAN

  
(J.G. RAJADHYAKSHA)  
MEMBER (A)