

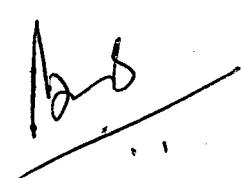
CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 691/2001.

Dated this Thursday, the 13th day of December, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

1. P. K. Rai.
2. V. R. Chavan.
3. V. J. Patil.
4. H. C. Bhalla.
5. J. S. Rudraswamy.
6. V. K. Sharma.
7. Inderjit Ghosh.
8. A. S. Pandey.
9. Kailash Yadav.
10. M. K. Sengar.
11. A. K. Gautam.
12. Purshottam Ahiab.
13. Ujwalkumar Ghosh.
14. S. K. Agnihotri.
15. C. R. Patel.
16. Jasi Joseph.
17. Akhilesh B.
18. Rampalsingh.
19. K. K. Pandya.
20. S. P. Pathe.
21. S. K. Sharma.
22. Vinodkumar Thakral.



23. R.N.S. Yadav.

24. D. K. Sinha. ... Applicants.

(All the above applicants are
Junior Engineers under CWM Matunga,
Central Railway, Mumbai).

(By Advocate Shri K. B. Talreja)

VERSUS

1. Union of India through
The General Manager,
Central Railway,
Mumbai C.S.T.,
Mumbai - 400 001.

2. Chief Workshop Manager,
Central Railway,
Matunga,
Mumbai - 400 019.

3. The F.A. & C.A.O.,
Central Railway,
Mumbai C.S.T., Mumbai-1. ... Respondents.

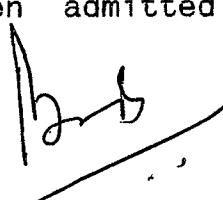
(By Advocate Shri S. C. Dhavan)

O R D E R (ORAL)

PER : Shri B. N. Bahadur, Member (A).

Learned Counsel, Shri K. B. Talreja is present on behalf of Applicant and heard on this O.A. Shri S. C. Dhavan, Learned Counsel for Respondents, at the outset brings to my notice that the Applicant, P. K. Rai & 23 Others have filed an earlier O.A. No. 977/99 and submits a reply across the bar, which is taken on record. In the circumstances, he has made a preliminary point as below :

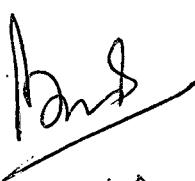
The preliminary point made is that the same Applicants have filed another O.A., earlier being O.A. No. 977/99, which has been admitted and pending arguments and decision in this



Tribunal. The O.A. is called from the Office and it is seen (and indeed as admitted by Shri Talreja) that the reliefs sought are same. He further seeks to make the point that the Applicants have filed the present O.A. because a further communication has been received from the Respondents, being the communication at Annexure A-1, page 16, i.e. the letter dated 22.09.2001, where the same claim has been rejected. This point has been argued on by both sides and heard.

2. The basic point is that it is not permissible in law for the Applicants to file another O.A. on the same cause, even though a fresh letter has come rejecting the claims. The correct thing to do, as indeed done usually, is for the Applicants to include this communication (Annexure A-1 in the present O.A.) to the earlier O.A. through a M.P. if they so desire. He cannot file a fresh O.A. and hence this O.A. cannot go on. As per law and procedure, the earlier O.A. will go on. Accordingly, the Learned Counsel for Applicant is allowed to withdraw this O.A. with the specific permission to file the fresh communication and any other averments that he would like to make consequent upon new development, in the earlier O.A.

3. Learned Counsel for the Applicants seek permission to withdraw the O.A. Permission granted. Accordingly, this O.A. is disposed of as withdrawn subject to the above liberty granted.



4. In regard to interim relief, a request is made again to continue the relief directing that recovery should not be made. It is directed that recovery shall not be made in respect of overpayment made till the next date as indicated below. (This is objected to by the Learned Counsel for Respondents, Shri Dhavan, on technical grounds merely). It is seen that no date is given in O.A. No. 977/99 which is in sine-die list, since matter seems to be before Division Bench. O.A. No. 977/99 is ordered to be listed on 24.01.2002 before Division Bench which may decide regarding the aspect relating to continuation or otherwise of interim relief.

5. This O.A. (No. 691/2001) stands disposed of accordingly. No order as to costs.

B. N. Bahadur

(B. N. BAHADUR)
MEMBER (A).

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