

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 741 of 2004.

Dated this Monday, the 10th day of June, 2002.

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

Sudhindra S. Sharma,
ACM (P & G) CC.G.
Western Railway,
Churchgate,
Mumbai - 400 020.
Residing at -
Rly. Quarter No. A/201,
Pali Hill, Bandra,
Mumbai - 400 050.

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Applicant.

(By Advocate Shri B. S. Dhuri)

VERSUS

1. Union of India through
The General Manager,
Western Railway,
Station Building,
Churchgate,
Mumbai - 400 020.

2. The Divisional Railway
Manager,
Western Railway,
Mumbai Central,
Mumbai - 400 008.

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Respondents.

(By Advocate Ms. Supriya Daware
for Shri Suresh Kumar).

O R D E R (ORAL)

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

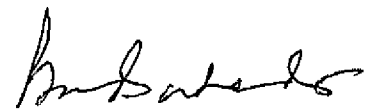
I have heard the learned Counsel, Shri B. S. Dhuri for the Applicant and Ms. Supriya Daware for Shri Suresh Kumar for the Respondents. The issue in the matter is straight because as indeed contended by the Respondents in their Written Statement (para 5) the matter is hit by the principles of res judicata.

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2. I have perused all papers in the case and considered the arguments made by Learned Counsel on both sides. There is no manner of doubt that the matter is indeed hit by principles of res judicata. The matter was last decided by a Single Bench of this Tribunal in O.A. No. 197/2001 dated 19.03.2001, a copy of which is available at exhibit 'H' page 27. Indeed, there appears to be no change in the circumstances and I am not convinced that any new cause of action has arisen. Learned Counsel, Shri Dhuri, states that the matter is before the Civil Court. Be that as it may, it is clear that proceedings under Public Premises (Eviction of Unauthorised Occupants) Act, 1971, are still pending. Therefore, this O.A. is not maintainable. It is rather strange that again and again the Applicant is coming up to the same Tribunal when the matter is clearly hit by the principles of res-judicata.

3. On the above ground this O.A. is dismissed with no order as to costs.



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

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Order/Judgement despatched
to Applicant/Respondent (s)
on 24/6/12
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