

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 7-7-87

APPLICATION NO 528 /86(F)

W.P. NO

Applicant

Shri B. Rahim

V/s The GM, Southern Railways & 2 Ors

To

1. Shri B. Rahim
52, Railway Quarters
Bangalore Cantonment
Bangalore - 560 056
2. Shri N.R. Naik
Advocate
211, Srirama Road
2nd Block, Thyagarajanagar
Bangalore - 560 028

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 30-6-87.

Encl : as above

[Signature]
SECTION OFFICER
(JUDICIAL)

[Handwritten mark]

[Handwritten notes]
9/7/87

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 30th DAY OF JUNE, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-Chairman

Hon'ble Sri L.H.A.Rego Member

APPLICATION No.528/87(F)

B.Rahim,
52, Railway Quarters,
Bangalore Cantonment,
Bangalore - 56.

(Sri M.R.Naik

V.

General Manager,
Southern Railway,
Park Town,
Madras - 3.

The Chief Engineer/Construction,
Bangalore Division,
18th Millers Road,
Bangalore Cantonment,
Bangalore - 56.

The Divisional Electrical Engineer,(Construction),
Bangalore Division, 18th Millers Road,
Bangalore Cantonment,
Bangalore - 56.

... Applicant

... Advocate)

... Respondents.

This application has come up before the court today.

Hon'ble Justice Sri K.S.Puttaswamy, Vice-Chairman made the following :

O R D E R

In this somewhat unusual application made Under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought for enforcement of an order made by this Tribunal in A.No. 519/86(T).

2. In A.No.519/86(T) the applicant had challenged his removal in a disciplinary proceeding. On 28.8.86 a Division Bench consisting of one of us (Sri L.H.A.Rego, Member(A)) and Sri Ch. Ramakrishna Rao, Member(J) allowed the same and made an order in these terms:-



"8. We therefore, set aside the impugned order dated 7.7.1984 issued by the fourth respondent and direct ~~the~~ the third respondent to reinstate the applicant and grant him consequential relief. The respondents however are at liberty to hold a departmental enquiry de novo against the petitioner in strict accordance with the Railway Servants (Discipline and Appeal) Rules, 1968.

9. In the result, the application is allowed."

In pursuance of this order, the applicant has been reinstated to service. But he now claims that the consequential benefits allowed by this Tribunal in that order had not so far been computed and settled by the Respondents. We will even assume, that is so.

3. We have perused the office objections and heard Sri N.R.Naik, learned counsel for the applicant.

4. On the very claim made by the applicant this Tribunal had already given a judgement in his favour. In reality and substance, the applicant is only seeking for enforcement of an order already made in his favour. Section 19 of the Act, does not empower this Tribunal to entertain one more application for such purpose and make one more direction on the very claim already granted. On any legal principle this claim made by the applicant and the relief sought by him are even strange and cannot be granted. From this it follows that the office objection has to be upheld and this application rejected as not maintainable. We, therefore, reject this application as not maintainable.



Sd - - -

Sd - - -

VICE-CHAIRMAN

MEMBER.

Bo 6.87

30/6/87

True copy

-True copy-

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Before the Hon'ble Central
Administrative Tribunal
@ Bham

Appl. No. 528/87

Between

B. Kulkarni

Applicant -

And

Govt. of India :-
Govt

Respondent

Memo

So (1)

Please return
the copies to
the Govt. as
mentioned
in the memo

The undersigned counsel
for the applicant prays for
return of documents as
below: please

1. Original of Annexure 'A'
2. Original of Annexure 'B'
3. Order passed on Appl. 519/86(T).
D.O. 28.8.1986.

Bongalan

Dtd 23-9-87.

Adv for Applicant -

Received above
documents

23/9.



B.L.
23/9

R.
23/9
S.T.