

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 14 Oct '87

APPLICATION NO

819 /87(F)

W.P.No.

APPLICANT T.V. Chavhan

vs

RESPONDENTS Secretary,  
Dept. of Information &  
Broadcasting N Delhi  
and Avr.

To

1. Sri Tippanasa Venkusa Chavhan,  
Flute Player Artist,  
All India Radio, Dharwad.
2. Sri N. Basavaraj,  
18, Kurnbara Saugha Buildings,  
II Main Road,  
Gandhinagar,  
Bangalore.

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 Sep 87.

RECEIVED 2 copies 15/10/87

Diary No. 1302/CR/87

Date: 15-10-87 B

Encl: as above.

*Joe*  
SECTION OFFICER  
(JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 30TH DAY OF SEPTEMBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 819/87

Tippanasa Venkusa Chavas,  
aged about 57, Flute Player Artist,  
All India Radio, Dharwad.

.... Applicant

(Shri N. Basavaraju, Advocate)

v.

1. Union of India represented by its Secretary, Department of Information and Broadcasting, New Delhi.
2. The Station Director, All India Radio, Dharwad.

.... Respondents.

This application having come up for hearing to-day  
Vice-Chairman made the following:

O R D E R

  
This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant has been working as an Artist (Flute Player) in the All India Radio ('AIR'). He claimed higher fee/salary for certain periods which was ultimately rejected by the Station Director, AIR, Dharwad ('Director') on 28.9.1978 (Annexure-B). The applicant agitated its validity in a civil suit which ended against him in Regular Second Appeal No.190/86, decided by the High Court of Karnataka on 25.3.1986.

Undeterred by the same, the applicant has approached this Tribunal on 17.9.1987 seeking that very relief.

3. Shri N. Basavaraju, learned counsel for the applicant, contends that the claim made by his client for payment of higher fee/salary was still a subsisting claim and this application made under Section 19 of the Act on 17.9.1987 was in time and was well founded in law, justice and equity.

4. We have earlier noticed that the claim of the applicant was rejected by the Director as early as on 28.9.1978. In the light of the principles enunciated by this Tribunal in V.K. MEHRA v. THE SECRETARY, MINISTRY OF INFORMATION & BROADCASTING, NEW DELHI (ATR 1986 CAT 203) this application to agitate the claim which arose prior to 1.11.1982 cannot be entertained by this Tribunal. For the very reasons stated in MEHRA's case, this application is liable to be rejected.

5. We have earlier noticed that on the very same claim, the applicant approached the competent civil court which was then exercising jurisdiction and also lost the same. If that is so, then this application to agitate the very claim is also barred by res judicata and is liable to be rejected on that ground also.

6. On any view of the matter, this application is liable to be rejected without notices to the respondents. We, therefore, reject this application at the admission stage without notices to the respondents.

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Hassan  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

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Member (A) 1 20-20