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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.851/92

Chandras C.Panchal,
125, Jodia Mansion,
Furguson Road,
Lower Parel,
Bombay - 400 013. .. Applicant

-versus-

Union of India and ors. .. Respondents

Coram: Hon'ble Ms.Usha Savara, Member(A)

Hon'ble Shri C.J.Roy, Member(J)

Appearances:

1. Applicant in person.
2. Mr.V.S.Masurkar Standing Counsel for the respondents.

ORAL JUDGMENT: Date: 20-11-1992
Per C.J.Roy, Member(J) 1

Heard applicant in person and
Mr.V.S.Masurkar for the respondents.

2. This is an application filed by the applicant u/s. 19 of the Administrative Tribunals Act,1985 claiming the following reliefs:

- (a) The applicant be allowed to file the application condoning the limitation prescribed under section 21(b) of the Administrative Tribunals Act,1985;
- (b) The respondent be directed to pay the applicant his unpaid due wages;
- (c) Cost of this application;
- (d) Any other relief or such reliefs as the circumstances of the case may require;

6. The respondents further states that various chargesheets were issued for the absence from place of duty to the applicant and all annexures to the chargesheet was supplied to him. Since the applicant was not attending the duty and performing his duties he was not paid the wages.

7. We have heard the applicant in person, learned counsel for the respondents and gone through the record. In this case a very short point is ~~whether~~ ^{whether} the applicant is entitled to backwages claimed by him or not. We have heard the applicant in person. He showed us some punching cards and his attending to duty on record but they are pertaining to 1989 but not to the relevant period.

8. The applicant files two MPs 751/92 and 752/92 claiming ~~for~~ subsistence allowance. We have also gone through the applications. Learned counsel for the respondents categorically stated across the Bar that the applicant is not suspended. Since he is not suspended he is not entitled for any subsistence allowance. Annexure 'A' shows that it is a report of the alleged misconduct of the applicant which is at page 9, a letter of internal correspondence stating that the applicant has refused to acknowledge the receipt of chargesheet. On page 2 we see that he neither received the chargesheet nor punishment order and the acknowledgment also, returned back. They are prepared to pay wages if he joins duty. But he is not willing to join duty.

9. The applicant filed rejoinder more or less asserting the same points which are not germane to the issue. He should have participated in the enquiry. The applicant agitates before this Tribunal for production of following persons at page 3:(1)Mr.S.V.Nathan, (2)S.K.Patnaik, (3)Mr.Bhole,N.V. and (4)Mr.K.K. Ladsaongikar all persons of Naval Dockyard.

10. This Tribunal cannot go into the details of all this things in writ jurisdiction and it is not a forum to settle scores between the applicant and respondents. The only course open to the applicant is to participate in the departmental proceedings by taking assistance for defence. Any order which results adversely to the applicant he is given liberty to approach this Tribunal.

11. We direct the respondents to give adequate opportunity to the applicant since he is a handicapped person and since he is not getting any wages respondents will take that fact and conduct the enquiry in accordance with rules. We are not inclined to grant any further relief in this case. We further direct the respondents to complete the enquiry within three months. However, this order shall not be used as a handle to victimise the applicant.

12. With this order the application is disposed of with no order as to costs.

W.S. Roy
(C.M.ROY)
Member(J)

G. Savara
(USHA SAVARA)
Member(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.361/95 with O.A.400/92, 851/92 & 681/94.

Chandras C Panchal ... Applicant.

V/s.

Union of India,
Shreeman Kasz Raju & Ors.
Naval Dockyard,
Sahid Bhagat Singh Rd.,
Near Reserve Bank of India,
Bombay - 400 001. ... Respondents.

CORAM: Hon'ble Shri B.S.Hegde, Member (J).

Hon'ble Shri M.R.Kolhatkar, Member (A).

APPEARANCE :

Applicant in person.

Shri V.S.Masurkar, Counsel
for Respondents.

JUDGEMENT:

DATED : 29.9.95

[Per Shri B.S.Hegde, Member (J)]

The applicant has filed this OA under section 19 of Administrative Tribunals Act praying for the following relief:-

1. The applicant be allowed to file the application condoning the limitation prescribed under section 21(i) (A) of Administrative Tribunals Act, 1985.

2. The Respondents be directed to pay the applicant his unpaid due wages with reinstatement.

3. Cost of this Application, etc.

2. We have heard the applicant in person and Shri V.S.Masurkar, Counsel for Respondents and perused the records. In this OA, the applicant has not challenged the vires of the removal order passed on 17/3/93 against which the applicant has preferred an appeal to the Appellate Authority who have considered the various grounds but came to the conclusion that there is no substance in the appeal and ultimately agreed with the findings of the Disciplinary Authority and passed an order

(2) rejecting the appeal on 23/11/94. He has filed an application dated 3/7/95 stating that OA.400/92, 851/92, 681/95 and 361/95 be heard together as the issue involved in these cases are one and the same except OA-361/95 which is the present case. The other cases have been disposed of as back as 20/11/92. The prayer and the issue involved in these cases are one and the same. The Tribunal after considering the contention of the applicant have stated that they are not inclined to grant any relief since he has not challenged the vires of the removal order. Therefore the question of raising the same issue by filing another application is not permissible which is clearly barred by principles of res-judi-cata and also by law of limitation.

3. On perusal of the records, we find that the prayer made in this petition is one and the same with that ~~in~~ in OA-400/92. Both are similar. Therefore it is not open to the applicant to reagitate the matter once again and is governed by principle of Res-judi-cata.

4. In the light of the above, and for the reasons stated above, we do not find any merit in the OA, the same is dismissed. No order as to costs.

(M.R.KOLHATKAR)
MEMBER (A)

(B.S.HEGDE)
MEMBER (J)

abp.