

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 21 JUL 1993

APPLICATION NO(s). 319/93

Applicant(s)

G.R. Venkatasubramanyam

Respondent(s)

Dvl. R.M., Mysore, & anr.

1. Shri G.R. Venkatasubramanyam,
274, Vijayanagar Railway Layout,
Hebbal, Matagally Post,
Mysore - 570016.
2. The Divisional Railway Manager,
Mysore Division, Southern Railway,
Mysore.
3. The Divisional Personnel Officer,
Mysore Division, Southern Railway,
Mysore.
4. Sh. A.N. Venugopal,
Railway Advocate,

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
~~STAY/INTERIM ORDER~~ passed by this Tribunal in the above said
application(s) on 14.07.1993.

Issued

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m. Am S. 21/7/93
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE FOURTEENTH DAY OF JULY, 1993

Present: Hon'ble Shri S. Gurusankaran, Member (A)

Hon'ble Shri A.N. Vujjanaredhya, Member(J)

APPLICATION NO. 319/1993

Shri G.R. Venkatasubramanyam
Aged 62 years
Residing at 274, Vijayanagar
Railway Layout, Hobbal
Metagally Post, Mysore-570 016

..... Applicant

Vs.

1. The Divisional Railway Manager
Mysore Division, Southern Railway
Mysore.

2. The Divisional Personnel Manager
Mysore Division, Southern Railway
Mysore.

..... Respondents

(Shri A.N. Venugopal, Advocate)

This application having come up for hearing
before the Tribunal today, Hon'ble Shri S. Gurusankaran,
Member(A), made the following:

O R D E R

In this application filed under Section 19 of
the Administrative Tribunals Act, the applicant is aggrieved
by the refusal of the respondents vide their letter dated
30.11.1992 (Annexure-5) rejecting the payment of interest
on delayed payment of settlement dues and he has prayed for
setting aside the order dated 30.11.1992 and directing the
respondents to pay interest on the withheld amount.

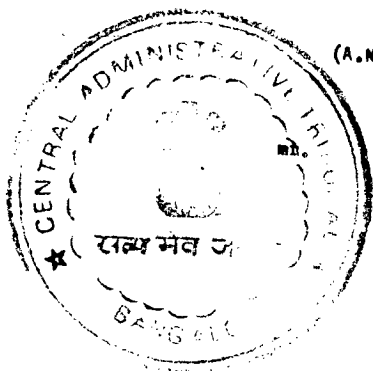
2. On the filing of the application notice was
issued to the respondents 1 and 2. Shri A.N. Venugopal, learned



standing counsel for Railways has filed Memo of Appearance. He submits that in this case the respondents are prepared to argue the case without submitting a detailed reply as the application is barred by principles of constructive res judicata.

3. We have heard the applicant in person and Shri A.N. Venugopal for the respondents. The only point made out by the applicant is that even though he had prayed for interest on delayed payment of reliefs in his O.A. No.286/1989, the judgement dated 6.10.1989 was silent on this aspect. In view of the fact that the applicant is entitled to payment of interest as per Railway Board's letter dated 7.8.1989 and 22.10.1984 (Annexure-3 and 4) he submits that he went on approaching the respondents for payment of interest and also submitted various representations. Finally, with reference to his representation dated 20.11.1992 his claim for payment of interest was rejected vide letter dated 30.11.1992 stating that no interest was payable to him in the absence of any specific directions in the orders of the Tribunal. The applicant submits that in view of the fact that the orders of Tribunal is silent on the payment of interest on the delayed amount made to him, he is entitled for interest on the delayed payment. We are unable to agree with the submission of the applicant. As already pointed out by the respondents, this was a specific relief asked for by the applicant in O.A. No.286/1989. However, this was not granted in the judgement dated 6.10.1989. Hence, the principles of constructive res judicata will apply and the applicant is barred for filing this fresh application agitating the same relief.

4. In view of the above, the application is dismissed at the admission stage itself.



Sd-
(A.N. VLOJANARADHIA)
MEMBER(J)

Sd- 93.
(S. GURUSANKARAN)
MEMBER(A)

TRUE COPY

21/7/93
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE