

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.N. 1099/93

Date of Decision 28.6.96

Shri B.B. Sahu Petitioner

Shri D.V. Gangal Advocate for the Petitioner.

Versus

Union of India & Ors. Respondent

Shri V.S. Masurkar Advocate for the Respondents.

Coram:

The Hon'ble Mr. B.S. Hegde, Member (J)

The Hon'ble Mr. P.P. Srivastava, Member (A)

1. To be referred to the Reporter or not? ✓

2. Whether it needs to be circulated to other Benches of the Tribunal?


(B.S. Hegde)
Member (J)

ssp.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, 'GULESTAN BUILDING' NO.6
PREScot ROAD, FORT, MUMBAI 400001.

ORIGINAL APPLICATION NO. 1099/1993

Dated this 28/6 day of June 1996.

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)
2) Hon'ble Shri P.P. Srivastava, Member (A)

Shri B.B. Sahu
By advocate Shri D.V.
Gangal Applicant

v/s

Union of India & Others
By advocate Shri V.S.
Masurkar, Central Govt.
Standing Counsel Respondents

O R D E R

1 Per: Shri B.S. Hegde, Member (J) I

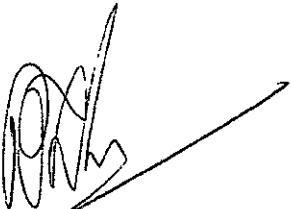
Heard the argument of the counsels - Shri D.V.
Gangal for the applicant and Shri V.S. Masurkar for
the Respondents.

2. The short point for consideration is whether the
O.A. filed by the applicant is sustainable in law.
In this connection, the learned counsel for the
Respondents draws our attention to earlier decision
rendered by the Tribunal vide dated 14-2-1994 in O.A.
No. 678/93 and Others and O.A. 396/89 vide dated
28-8-1990. In both the petitions, the applicant was
one of the petitioners. Both the O.As were disposed
of on merits against which the applicant has filed
R.P. 852/92 which was also dismissed on 26-8-1992;
therefore, the application is clearly barred by the
principle of resjudicata and the same deserves to be

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dismissed in limine. On perusal of the records, the contention made by the Respondents is found to be justified since both the O.As were dismissed on merits and since the applicant was a party to the aforesaid O.As, it is not open to the applicant to re-agitate the matter once again by filing a fresh O.A. The learned counsel for the applicant Shri Gangal also has given his consent for withdrawal of the O.A. in the ~~facts~~ ^{B.S. Hegde} facts and circumstances of the case. ^{APLH}

3. In the result, the O.A. is dismissed as withdrawn. No order as to costs.


(P.P. Srivastava)
Member (A)


(B.S. Hegde)
Member (J)

ssp.