

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH : MUMBAI

OA No.1212/1995

New Delhi this the 3rd day of August, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Smt. Shanta Shastry, Member (A)

Shri P.K.Sargat,
T.No. MA-12/124/0372 residing
at S.Nagar, Ganesh Chawl, near
Barrack No.1256, Ulhas Nagar,
District Thane. ... Applicant

(None for the applicant)

VERSUS

Union of India, through

1. The Chairman, Ordnance Factory
Board, 10 Auckland Road, Calcutta.
2. The General Manager,
Machine Tool Prototype Factory,
Ambernath, Distt. Thane.

... Respondents

(By Advocate Shri R.K.Shetty)

ORDER (ORAL)

(Hon'ble Smt. Shanta Shastry, Member (A))

The applicant was not present. He was not on the last occasion also. We, therefore, proceed to dispose of the OA under Rule 15 of the CAT (Procedure) Rules, 1987 on merits on the basis of available pleadings.

2. Learned counsel for the respondents submits that the applicant's case was based entirely on the judgement dated 30.10.1987 in TA 1248/1996 and T.A.No.1361/1996. A Review Application 74/1991 was filed against the aforesaid judgement of the Calcutta Bench. Though it

was initially dismissed, on grounds of delay later on, by the directions of the Hon'ble Supreme Court, the Calcutta Bench was asked to review the same on merits. The Calcutta Bench allowed the Review Application by its order dated 6.1.1997 thus setting aside the earlier judgement dated 30.10.1987.

3. The learned counsel for the respondents has also produced another judgement of this Tribunal dated 1.3.2000 in OA 1282/1995 alongwith OA 1290/1995, wherein also the Tribunal has referred the to earlier judgement of the Calcutta Bench dated 30.10.1987 as being no longer in existence.

4. Further, we note from Para 4.1 of the OA that the applicant was a party in OA No.560/91 in the matter of P.S.Krishna and others Vs.Union of India and others. which was filed before the CAT (Calcutta Bench). The O.A. was allowed by awarding the benefits to the applicants, similar to those in TA No.1361/86 and TA No. 1248/86 under the judgement dated 30.10.1987. This being the position, the benefit which the applicant had received through OA 560/1991 cannot stand.

5. We are satisfied that since the applicant's case was based entirely on the judgement of the Calcutta Bench dated 30.10.1987 in TA 1248/86 and TA.1361/86 and since the said judgement has been set aside by the very Calcutta Bench by dismissing those TAs.,there is no merit in the present case and the applicant's OA, therefore, deserves to be dismissed. We do so accordingly. No costs.

Shanta Shastry
(Smt. Shanta Shastry)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman(J)