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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 361/95 with 400/92, 851/92 & 681/94.
Transfer Application No.

Date of Decision : 29.9.95

Chandras C Panchal

Petitioner

in person

Advocate for the
Petitioners

Versus

Union of India

Respondents

Shri V. S. Masurkar

Advocate for the
respondents

C O R A M :

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

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

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

abp.

B.S.Hegde
(B.S.Hegde)
Member (J)

1/2
4/10

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

X Per Shri B.S.Hegde, Member (J) X

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

rejecting the appeal on 23/11/94. He has filed an application dated 3/7/95 stating that OA.400/92, 851/92, 681/92 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
(M.R.KOLHATKAR)
MEMBER (A)

B.S.Hegde
(B.S.HEGDE)
MEMBER (J)

abp.

CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG. NO.6, PRESCOT RD, 4th Floor,
BOMBAY - 400 001.

REVIEW APPLICATION NO. 3/96 in
ORIGINAL APPLICATION NO. 361/95.

Thursday the 18th day of January, 1996.

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

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

Chandrashekhar C. Panchal ... Applicant.

V/s.

K.A.S.Z. Raju & Others ... Respondents.

ORDER (BY CIRCULATION)

(X) Per Shri B.S. Hegde, Member (J) (X)

The applicant has filed a Review Application No. 3/96 in OA No. 361/95 seeking review of judgement dated 29.9.1995. The Tribunal after considering the rival contentions of the parties and result of earlier OAs disposed of by Tribunal have come to the conclusion that after considering the contention of the applicant, we are not inclined to grant any reliefs since the applicant 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.

Though this judgement was delivered on 29/9/95, the applicant has filed the review application only on 3/1/96 which is delayed by one month and 22 days.



As per the rule review application can be filed within 30 days of the receipt of order. Though the applicant has filed a condonation of delay application, however in the facts and circumstances of the case, the grounds raised in the RP is not germaine to the issue that is involved in this OA. [redacted]

Prima-facie we do not find any error on the face of the record, or any new facts have been brought to our notice. Apart from the delay in filing review application, we are of the view, that there is no merit in the review petition and the same is dismissed by circulation.



(M.R. KOLHATKAR)
M(A)



(B.S. HEGDE)
M(J)

abp.