

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 724/97

Date of Decision: 8.12.97.

Shri B.M. Chaturvedi Applicant.

Shri M.S. Ramamurthy, Advocate for
Applicant.

Versus

Union of India and others, Respondent(s)

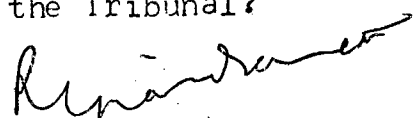
Shri R.K. Shetty, Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri. P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not? *no*
- (2) Whether it needs to be circulated to
other Benches of the Tribunal? *no*


(R.G. Vaidyanatha)
Vice Chairman.

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 724/97.

Monday the 8th day of December 1997.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri P.P. Srivastava, Member (A)

B.M. Chaturvedi
Residing at
Quarter No. E/15,
Ordnance Estate,
Ambernath.

... Applicant.

By Advocate Shri M.S. Ramamurthy.

V/s.

Union of India through
The Secretary,
Department of Defence
Production,
Ministry of Defence,
South Block, New Delhi.

The Chairman
Ordnance Factory Board,
10-A Shaheed Khudiram
Bose Road, (Auckland Road)
Calcutta.

The General Manager,
Ordnance Factory,
Ambernath, Dist. Thane.

... Respondents.

By Advocate Shri R.K. Shetty.

O R D E R (ORAL)

Per Shri Justice R.G.Vaidyanatha, Vice Chairman

Heard counsel for the parties.

The applicant has challenged the order of reversion dated 9.9.96. The respondents have filed reply opposing the application.

2. According to the applicant, the order of reversion is bad and contrary to the earlier decision of the Supreme Court and even contrary to para 79 of the Full Bench decision dated 22.12.95.

...2...



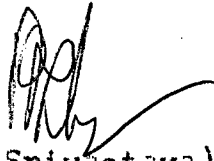
The applicant had filed previously an O.A. 986/96 for identical relief of challenging the same reversion order dated 9.9.96. After hearing both the sides, the O.A. was dismissed by a Division Bench of this Tribunal ^{to} by which one of us (Shri P.P. Srivastava, Member (A)) was a Member. This Tribunal while dismissing the O.A. as per judgement dated 4.3.97 observed in para 9 as follows:

" The applicant has not brought out any material on record in O.A. to show that the respondents have not followed the principles laid down in para 79 of the Full Bench judgement for the purpose of reversion which may have to be ordered as a result of the Full Bench judgement. The counsel for the respondents has argued that the reversion of the applicant has been made after considering and examining relevant portion of the Full Bench Judgement. Consequently, we see no reason to interfere with the order of reversion."

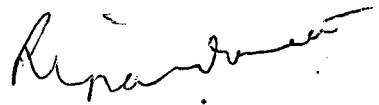
3. In view of the above finding that the applicant has failed to produce any material the order of reversion does not call for interference. The applicant cannot file a fresh O.A. for production of some additional material and request the Tribunal to set aside the impugned order of reversion which ^{was} draws directly the subject matter of the previous O.A. In our view the O.A. is not maintainable on the principle of Res-judicata and the question cannot be re-opened again. The learned counsel for the applicant has drawn our attention to the last part of para 9 of the judgement. The Tribunal

observed that the applicant has not produced sufficient material to enable the Tribunal to give a finding and the O.A. was dismissed. The applicant cannot file a fresh O.A. ^{for} on the identical relief i.e. challenging the order of reversion. Hence the present O.A. is not maintainable and same is dismissed summarily.

4. In the result O.A. is rejected at the admission stage itself. No costs.



(P.P. Srivastava)
Member (A)



(R.G. Vaidyanatha)
Vice Chairman.

NS