

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 350/98

Date of Decision: 28/1/99

Mr.C.A.Eustace

Petitioner/s

Shri S.N.Pillai

Advocate for the  
Petitioner/s.

v/s.

Union of India & Anr.

Respondent/s


Shri V.S.Masurkar

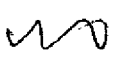
Advocate for the  
Respondent/s

CORAM:

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

Hon'ble Shri

(1) To be referred to the Reporter or not? 

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

abp.

  
(R.G.VAIDYANATHA)  
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
GULESTAN BLDG.NO.6, 4TH FLOOR, PRESCOT  
ROAD, FORT, MUMBAI-400 001.

ORIGINAL APPLICATION NO.350/98.

DATED THE 28TH DAY OF JANUARY, 1999.

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

Mr.C.A.Eustace  
(Retd.EL.M., Group-C)  
residing at Gorai Kalpataru  
Co-Operative Housing Society,  
Plot No.10, House No.D-4,  
Borivili East, Mumbai-92.

... Applicant.

By Advocate Shri S.N.Pillai

V/s.

1. Union of India, through  
the General Manager, Western Railway,  
Churchgate,  
Mumbai - 400 020.

2. The Divisional Railway Manager,  
Bombay Division,  
Western Railway,  
Bombay Central,  
Bombay.

... Respondents.

By Advocate Shri V.S.Masurkar

I O R D E R I

I Per Shri R.G.Vaidyanatha, Vice Chairman I

This is an application filed by applicant claiming interest on the delayed payment of Gratuity from 1/5/93 to 29/4/94. Respondents have filed reply opposing the application and among other grounds have pleaded that the present OA is not maintainable in view of similar prayer being made and not being granted in the previous OA No.969/96.

I have heard both counsels regarding admission.

2. The only prayer in the present application is about interest for the delayed payment of DCRG.

Admittedly the applicant had filed previous OA-969/96 for a direction to respondents for payment of DCRG.

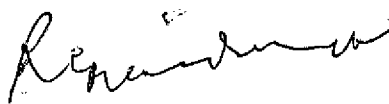
One of the amounts claimed in the Annexure was interest



which had been due on DCRG from the date it was due till the date of application. In the operative portion of the order of the Tribunal dated 13/3/97, we find that the Tribunal directed department to pay DCRG within three months failing which interest will have to be paid after expiry of three months. In other words, the Tribunal had not granted interest from the date the DCRG was due till the date of application, but it granted future interest after expiry of three months from the date of the order.

3. In these circumstances, the applicant cannot now file a fresh OA and pray for similar claim which was also <sup>in</sup> directly ~~issue~~ in the previous OA. Hence, in these circumstances, I hold the present OA is not maintainable and is barred by <sup>principles</sup> ~~principle~~ of res-judicata.

4. In the result, the application is rejected at admission stage and there will be no orders as to costs.

  
(R. G. VAIDYANATHA)  
VICE CHAIRMAN

abp.