

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 381/98.

Date of Decision : 16.10.1998.

U. C. Roy, \_\_\_\_\_ Petitioner.

Shri T. D. Ghaisas, \_\_\_\_\_ Advocate for the  
Petitioner.

VERSUS

Union Of India & Others, \_\_\_\_\_ Respondents.

Shri S. C. Dhavan, \_\_\_\_\_ Advocate for the  
Respondents.

CORAM :

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

Hon'ble Shri D. S. Baweja, Member (A).

(i) To be referred to the Reporter or not ? ✓

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

  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 381/98.

Dated this Friday, the 16th day of October, 1998.

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

Hon'ble Shri D. S. Baweja, Member (A).

U. C. Roy,  
Chief Engineer (Survey),  
O/o. Chief Administrative  
Officer (Constn.),  
6th Floor,  
New Administrative Office  
Bldg., Mumbai - 400 001.

... Applicant

(By Advocate Shri T. D. Ghaisas)

VERSUS

1. Union Of India through  
The Chairman,  
Ministry of Railways,  
Railway Board,  
Rail Bhavan,  
New Delhi - 110 001.
2. The Secretary,  
Ministry of Railways,  
Railway Board, Rail Bhavan,  
New Delhi - 110 001.
3. The General Manager,  
Central Railway,  
Mumbai C.S.T. - 400 001.

... Respondents.

(By Advocate Shri S.C. Dhavan).

OPEN COURT ORDER

{PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN }.

This is an application filed by the applicant  
claiming that he is entitled to arrears of pay and  
allowances for the period from 24.04.1993 to 02.04.1996.

The respondents have filed reply opposing the application. On the other hand, the respondents have taken the stand that the present O.A. is barred by the principles of resjudicatta. We have heard both the counsels regarding admission.

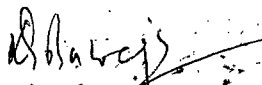
2. The grievance of the applicant is that, he has been given only notional promotion and that he has not been given actual monetary benefits for the period from 24.04.1993 to 02.04.1996. It is an admitted case that the applicant filed a previous O.A. vide O.A. No. 1175/96 for identical reliefs, namely - claiming monetary benefits for the said period. That application came to be rejected summarily on the ground that the applicant is not entitled to actual monetary benefits when he has been given only notional promotion and the O.A. was rejected as per the order dated 13.01.1997. Being aggrieved by that order, the applicant preferred a review petition in R.P. No. 27/97. By a detailed order even the review petition was rejected by this Tribunal by order dated 26.03.1997. Now the applicant has filed one more O.A. for the same relief claiming monetary benefits for the same period which is covered by the previous O.A.

In our view, the present application is barred by principles of resjudicatta and it is not maintainable. When his previous O.A. has been rejected for the identical reliefs, he cannot file a fresh O.A. asking the same relief. If the applicant was aggrieved

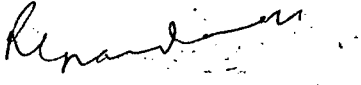
by the order of the Tribunal, his remedy was to approach higher forum. Hence, the present O.A. is not maintainable.

3. In the result, the application is rejected as not maintainable at the admission stage.

No costs.

  
(D. S. BAWEJA)

MEMBER (A).

  
(R. G. VAIDYANATHA)

VICE-CHAIRMAN.

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