

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 249/98

Date of Decision: 25.3.1999

Shri G.S. Bathore

Petitioner/s

Applicant in person.

Advocate for the
Petitioner/s.

v/s.

Union of India and others.

Respondent/s

Shri V.S.Masurkar.

Advocate for the
Respondent/s

CORAM:

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

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? *✓*

(Signature)
(D.S. Baweja)
Member (A)

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

Original Application No. 249/98

Thursday the 25th day of March 1999.

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

G.S. Rathore,
Project Manager (Elect.)
Western Railway,
G.M. Office, Old Building.
Churchgate, Mumbai.

... Applicant.

Applicant in person.

V/s.

Union of India through
Secretary,
Rail Bhavan,
New Delhi.

General Manager,
Western Railway,
Mumbai.

... Respondents.

By Advocate Shri V.S.Masurkar.

O R D E R (ORAL)

¶ Per Shri D.S.Baweja, Member (A)¶

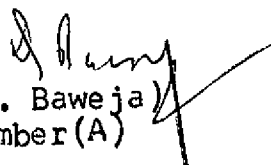
Heard arguments. The applicant has filed this O.A. claiming the relief of refund of Rs.10,672/- which has been recovered from the applicant, on the allegation of availing privilege pass which had not been used by the applicant. The respondents in the written reply have brought out that for seeking the same relief the applicant had earlier filed an O.A. 1183/96 which was decided on 7.4.1997 with a direction that the applicant will make a representation to the General Manager and General Manager will pass a speaking order with regard to the refund of the recovery claimed by the applicant. The General Manager has since passed the order dated 16.8.1998 which has been brought on record and he has ordered that 80% of the amount of recovery of Rs.10,672/- be refunded to the applicant. In view of this the

respondents contend that the issue stands decided and the applicant cannot agitate the same issue by filing a fresh O.A.

2. On considering the facts and circumstances of the case I am inclined to agree with the contention of the respondents that the applicant cannot agitate the matter for the same issue by filing a fresh O.A. which has already been decided by the Tribunal in O.A. 1183/96 as per order dated 7.4.1997. In view of this, the present O.A. is not maintainable.

3. The applicant made a submission that the applicant is entitled for 100% refund of recovery because as per the order of the General Manager; it has been held that no irregularities have been committed by the applicant. If the applicant is not satisfied with the order of the General Manager, he may make a representation against the same and if still not satisfied he can agitate the matter with reference to the order of the General Manager. However he cannot agitate the matter afresh by filing an O.A. seeking the relief which he had prayed for through O.A. 1183/96.

4. In view of the above, the O.A. stands dismissed as not maintainable. However the applicant is at liberty to agitate the matter if any grievance is still left, as per law. No order as to costs.


(D.S. Baweja)
Member(A)