

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.304/94

Date of order: 4/1/2000

Premchand Jain, S/o Shri Tarachand Jain, R/o ANC No.536/B Ganesh Chowk, Ajmer, O/o Dy.CME(C&W), W.Rly, Ajmer.

...Applicant.

Vs.

1. The Union of India through General Manager, W.Rly, Churchgate, Mumbai.
2. Dy.C.M.E (Carriage & Wagon) Workshop, W.Rly, Ajmer

...Respondents.

Applicant present in person.

Mr.U.D.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

This Original Application appears to have been filed mainly for implementing the directions given by the Tribunal in T.A No.659/86 and the applicant in this O.A prayed to set aside and quash the orders issued on 3.3.93, 30.3.93 and 18.5.93. The applicant further makes a prayer to direct respondent No.2 to fix the correct seniority of the applicant and to promote him as per the directions given by Jodhpur Bench of the Tribunal vide its order dated 7.1.93 and to pay the arrears and all other benefits as claimed by the applicant.

2. Reply was filed by the respondents. In the reply, it has been stated clearly that the impugned orders at Annexures: A1, A2 and A3 have been issued as per the directions given by the Tribunal in its order dated 7.1.93 and the said order has been fully implemented. It is also stated in the reply that the claim of seniority and promotion of the applicant is untenable. It has been further stated that S/Shri Su Lal and Nandlal have not been impleaded as necessary parties although the applicant is claiming relief vis a vis S/Shri Su Lal & Nandlal. No contempt petition or any Execution Application under Sec.27 of the Administrative Tribunals Act, was ever filed, therefore, for implementation of the orders earlier passed on 7.1.93 is not maintainable. The applicant has made various pleas in this O.A, therefore, this O.A is not maintainable having multiple relief and the applicant is not entitled to any relief sought for.

3. Heard the applicant and the learned counsel for the respondents and also perused the whole record as also the written submissions filed by both the parties.

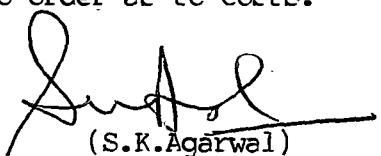
4. The statement containing the details of implementation of the order passed in T.A No.659/86 dated 7.1.93 by the respondents makes it clear that the order dated 7.1.93 has been implemented. If the respondents failed to implement the order, the applicant should have filed a Contempt

Petition or Execution Proceedings under Sec.27 of the Administrative Tribunals Act, for implementing the said order. But the applicant did not like to choose the aforesaid way for implementing the order. It is a settled principle of law that to implement the orders passed by the Tribunal, the applicant may file either Contempt Petition or may initiate Execution Proceedings under Sec.27 of the Administrative Tribunals Act. He is not permitted to file another O.A to implement the orders already passed. Moreover, the applicant claimed seniority over S/Shri Sualal and Nandlal but he failed to implead them as necessary parties. The claim of the applicant is barred by the principles of res-judicata on the ground that the applicant is not permitted to reagitate the same issue which he had already agitated in the earlier T.A and the applicant is not permitted to file a fresh O.A to implement the order passed earlier. It is also a rule of law that an issue once decided by a competent Court is not permitted to be agitated again.

6. On the basis of the foregoing discussions, we do not find any merit in this O.A. We, therefore, dismiss this O.A with no order as to costs.


(N.P. Nawani)

Member (A).


(S.K. Agarwal)

Member (J).