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Date of Decision: 22.5.96.

OA 166/96

Net Ram Bugalia

... Applicant

Versus

Union of India and others

... Respondents

CORAM:

HON'BLE MR. GOPAL JHISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

... In person

For the Respondents

... _____

O R D E RPER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

In this application u/s 19 of the Administrative Tribunals Act, 1985, B/Capt. Net Ram Bugalia (Retd.) has prayed that orders/letters Ann.A-1 dated 7.6.90, Ann.A-2 dated 15.9.90, Ann.A-3 dated 18.9.90, Ann.A-4 dated 5.10.90, Ann.A-5 dated 22.6.94, Ann.A-24 dated 3.5.90 and Ann.A-25 dated 4.9.90 may all be quashed and the respondents may be directed to release the pay and allowances of the applicant withheld arbitrarily from 1.12.89 to 31.7.92, the date of discharge of the applicant vide Ann.A-34 dated 27.3.92. He has further prayed that the respondents may be directed to pay a higher rate of interest on the total dues due to the great financial loss caused by the respondents to the applicant unlawfully.

2. We have heard the applicant and have gone through the material on record.

3. The applicant has stated that he had earlier filed a Civil Writ Petition (No.7206/93) before the High Court of Rajasthan and thereafter a D.B.Civil Special Appeal (No.223/95) before the High Court of Rajasthan. He has produced before us a copy of the judgement dated 22.3.95, passed in D.B.Civil Special Appeal No.223/95. By this judgement, the High Court has held that no point of law has been raised by the appellant (applicant in the present OA). The High Court upheld the reasons given earlier by the learned single Judge for dismissing the Civil Writ Petition of 1993 on the ground that the questions raised were disputed question of fact and besides, the applicant had an alternative remedy available. Thereafter, the applicant filed an SLP before the Hon'ble Supreme Court, which was however dismissed on 3.1.96 vide Ann.A-6. He states that the grounds raised in the petitions filed before the High Court of Rajasthan were the

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same as those raised in the present OA. He contends that since the High Court of Rajasthan had held that an alternative remedy was available to the applicant, he has approached this Tribunal for redressal of his grievance.

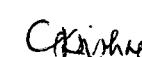
4. He has, however, also produced before us a copy of an order dated 24.3.92 passed in OA 572/90 by this Bench of the Tribunal, which he seeks to place on record as Ann.A-36. A perusal of the order dated 24.3.92 shows that the OA was dismissed mainly on two grounds. One was that the applicant did not hold a civil post under the Union and the second was that the applicant had also approached the High Court of Rajasthan seeking practically the same relief as sought from the Tribunal. The applicant adds that the earlier Writ Petition filed before the High Court, to which a reference has been made in the order of the Tribunal dated 24.3.92, was regarding his transfer. However, he does not dispute that the subject matter of OA 572/90 and the relief sought were the same as in the present OA.

5. We find that the Tribunal has already held, by order dated 24.3.92, that the applicant does not hold a civil post under the Union. Therefore, the applicant cannot approach this Tribunal for redressal of any of his grievances relating to service matters. No doubt, in the order passed by the High Court of Rajasthan on 22.3.95 in D.E. Civil Special Appeal No.223/95, it has been stated that the applicant can avail himself of his remedy before the appropriate forum. But the question whether the applicant can approach this Tribunal, has already been decided by order dated 24.3.92 passed in OA 572/90 filed by the applicant earlier. In the circumstances, we hold that this application is not maintainable before the Tribunal. The OA is accordingly dismissed.

6. The documents presented by the applicant are taken on record.


(O.P. SHARMA)

ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)

VICE CHAIRMAN

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