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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH
JABALPUR

Original Application No. 389 of 2006

Jabalpur, this the 25th day of July, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Shri A.K. Gaur, Judicial Member

Dulichand Sharma, aged about 41 years,
S/o. Shri Babulal Sharma, R/o. RBI/107-I,
Railway Colony, Habibganj, Bhopal M.P.

Applicant

(By Advocate – Shri A.K. Singh)

V E R S U S

1. The Union of India, through
Its General Manager, West Central
Railway, Indira Market, Near Railway
Station, Jabalpur, M.P. 482 001.
2. The Divisional Railway Manager,
West Central Railway,
Habibganj, Bhopal, M.P.
3. The Assistant Divisional Railway
Manager, West Central Railway,
Habibganj, Bhopal M.P.
4. The Senior Divisional Electric Engineer
(General), West Central Railway,
Habibganj, Bhopal, M.P.
5. The Senior Divisional Personal Officer,
West Central Railway,
Habibganj, Bhopal, M.P.
6. Salman Khan,
(Temporarily promoted on the post
of J.E.-II), Gr. 5000-8000(RSP),
R/o. 109, Habibganj, Bhopal (MP).

Respondents

(By Advocate – Shri M.N. Banerjee, Standing counsel for the
Railways)


2


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ORDER (Oral)

By A.K. Gaur, Judicial Member -

Mr. M.N. Banerjee, Standing counsel for the Railways appeared in this case and has raised a preliminary objection that this Original Application ^{in the present form} is liable to be dismissed as barred by constructive resjudicata. We have considered this objection and in view of the decision of the Hon'ble Supreme Court in the case of Commissioner of Income Tax, Bombay Vs. T.P. Kumaran, 1997 SC (L&S) 135, this Original Application is dismissed, as barred by constructive resjudicata under Section 11, explanation IV of CPC, with liberty to the applicant to file afresh if he so advised.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman


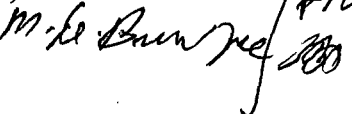
"SA"

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अट्रेरित -

- (1) सचिव, उच्च न्यायालय बार एंड जेजिस्ट्रान, जबलपुर
- (2) आवेक न्या.जी/जीसी/वकु.....के काउंसल
- (3) प्रत्यक्षी श्री/जीसी/वकु.....के काउंसल
- (4) बंधपाना, को.प.टी., जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु
उप सचिव

Issued
27/8/06



उप सचिव