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CENTRAL ADMINISTRATIVE TRIBUNAL,  
JABALPUR BENCH  
JABALPUR

Original Application No. 389 of 2006

Jabalpur, this the 25<sup>th</sup> 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, Habiganj, 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)

### 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 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”

पृष्ठांकन सं. ओ/न्या..... ज्वलपुर, वि.  
पतिलिपि अद्वैति -

- (1) सतिरा, उच्च अन्धारामध्ये बार ; जोडियांगल, जबलपुर
- (2) जादेजाहानी/जाहाजी/चु... वै काउंट
- (3) प्रत्यार्थी श्री/जिल्हारी/चु... वै काउंट
- (4) अंधाराम, कोटा, उच्चलाल अंधाराम

सूचना एवं आवश्यक कार्यकाली हेतु

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उप रजिस्ट्रार

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