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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR

Original Application No. 467 of 2006

Jabalpur this the 24<sup>th</sup> day of July, 2006

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

Sohanlal, Son of Shir Heeralal aged about 46  
Years resident of Bajrang Colony,  
K-55 Railway quarters Civil Lines  
Jabalpur Distirct Jabalpur M.P.

Applicant

(By Advocate – None)

Versus

1. Union of India,  
Through – its Secretary,  
Ministry of Railway Department  
New Delhi
2. Divisional Manager,  
Central Railway Jabalpur District  
Jabalpur M.P.

Respondents

(By Advocate – Shri M.N.Banerjee)

O R D E R (oral)

By A.K. Gaur, Judicial Member :-

By means of order dated 24.3.2004 this Tribunal had dismissed the OA No.730 of 2003 as not maintainable. The applicant has again approached this Tribunal seeking same reliefs by means of filing of the present OA. In view of decision of Supreme Court in the case of **Commissioner of Income Tax, Bombay Vs. T.P. Kumaran** reported in 1997 SC (L&S) 135, this OA is barred by <sup>Order 2 Rule 2 C.P.C and 1</sup>constructive resjudicata under Section 11, explanation IV CPC. Accordingly, the OA is dismissed as not maintainable at the admission stage itself.

*A.K.Gaur*  
(A.K.Gaur)  
Judicial Member

*G.C.Srivastava*  
(Dr.G.C.Srivastava)  
Vice Chairman