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**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 401 of 2005**

Jabalpur, this the 29<sup>th</sup> day of November, 2006

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

J.K. Chimadiya,  
So Shri S.N. Chimedia,  
Aged about 42 years,  
R/o. T/D/31/A,  
East Railway Colony,  
Bina (MP) – 470 113. .... **Applicant**

(By Advocate – Shri S. Paul)

**V e r s u s**

1. The Union of India,  
through its General Manager,  
West Central Railway,  
Jabalpur, (MP).
2. The Chief Personnel Officer,  
Commercial Division,  
West Central Railway,  
Jabalpur, (MP).
3. The Divisional Railway Manager,  
West Central Railway,  
Jabalpur, (MP). .... **Respondents**

(By Advocate – Shri H.B. Shrivastava)

**O R D E R (Oral)**

**By A.K. Gaur, Judicial Member –**

By means of this Original Application the applicant has prayed for setting aside the decision of APO dated 6.1.2005 (Annexure A-1) and also sought direction to the respondents to absorb him as TTE in the pay scale of Rs. 1200-2040/-.

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2. Heard the learned counsel for both the parties.

3. At the very outset, Shri H.B. Srivastava, learned counsel for the respondents has raised two preliminary objections; one is with regard to the question of resjudicata and the other on the point of limitation. The learned counsel for the respondents has contended that in a similar and identical matter in Original Application No. 250 of 1991 – Mohd. Sabir & 3 others Vs. Union of India and 5 others, this Tribunal vide its judgment and order dated 3.12.1993 has dismissed the Original Application with a direction to the respondents to consider the feasibility of the change of cadre. The learned counsel for the respondents has also argued that the question involved in the present Original Application has already been considered by this Tribunal in Original Application No. 250 of 1991. The parties are same and the controversy involved is almost similar to the controversy resolved by this Tribunal earlier in the aforesaid OA.

4. In our considered view this Original Application is barred by the doctrine of constructive resjudicata and it is accordingly, dismissed. No costs.

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

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

“SA”

पूर्णांकन सं. औ/न्या.....जबलपुर, दि.....  
प्रतिलिपि वार्ता दिनांक:—  
(1) सचिव, उच्च न्यायालय, वार्ता दिनांक:—  
(2) आवेदक श्री/श्रीमती/—, के काउंसल  
(3) प्रत्यार्पण श्री/श्रीमती/—, के काउंसल  
(4) ग्रंथालय, के प्राप्ति, वार्ता दिनांक:—  
सूचना एवं आवश्यक कालांकी है  
उप रजिस्ट्रार

*S. Paul AND*  
*H.B. Srivastava*  
*DIV 780*

*Dated  
on 5/12/06*