

Central Administrative Tribunal  
Jabalpur Bench

OA No.597/05

Jabalpur, this the 5<sup>th</sup> day of August, 2005.

C O R A M

Hon'ble Mr. M.P.Singh, Vice Chairman

Hon'ble Mr. Madan Mohan, Judicial Member

Ghanshyam Prasad Patel  
S/o Shri Kunjilal Patel  
R/o House No.2170, Lal Building  
Tripuri Chowk  
Garha, Jabalpur.

Applicant

(By advocate Shri Nidheesh Patel)

Versus

1. Union of India through  
Secretary  
Ministry of Defence (production)  
Government of India  
New Delhi.
2. The Director/Chairman  
Ordnance Factories Board  
Kolkata.
3. The General Manager  
Ordnance Factory Khamaria  
Jabalpur.

Respondents.

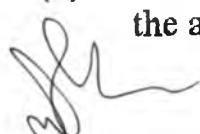
(By advocate Shri P. Shankaran)

O R D E R

Bv M.P.Singh, Vice Chairman

By filing this OA, the applicant has sought the following directions:

- (i) To quash letter-dated 4.11.2004, deciding the representation of the applicant by respondent No.3 as Annexure A7.
- (ii) Direct the respondents to settle all the retiral claims of the applicant.



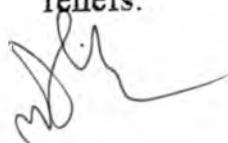
- (iii) Quash the advertisement No.DAVP 7150(980) 2003 published in Rozgar Samachar dated 10.1.2004 inviting application for the post of LDC.
- (iv) Direct the respondents to issue appointment order for the post of LDC to the applicant in the light of lifting of ban of the advertisement.

2. Heard the learned counsel for the applicant as well as the learned counsel for respondents. Learned counsel for the respondents has submitted that the reliefs claimed by the applicant in this OA had already been claimed by him in an earlier OA No.1080/2004 filed by him. That OA was disposed of by the Tribunal vide order-dated 16.3.2005. In the present OA also, the applicant is seeking the same reliefs, i.e. to set aside the letter dated 4.11.2004 deciding the representation of the applicant by respondent No.3 and, therefore, this OA is barred by the principle of res judicata and is not maintainable.

3. We have given our careful consideration to the rival contentions and we find that in the earlier OA No.1080/2004, the applicant had claimed the following reliefs:

- "(i) Quash the letter dated 4.11.04 deciding the representation of the applicant by respondents bearing No.1480/E/GPP/GP-1 Annexure A7.
- (ii) Quash the advertisement No.DAVP 7150(980) 2003 published in Rozgar Samachar dated 10.1.2004 inviting application for the post of LDC.
- (iii) Issue appointment order for the post of LDC to the applicant in the light of lifting of ban on advertisement dated 10.1.2004."

4. In the present OA also, the applicant has claimed the same reliefs.



5. Since the reliefs claimed by the applicant in the present OA have already been claimed by him in his earlier OA and that OA has been adjudicated and disposed of by the Tribunal, this OA is not maintainable as it is barred by the principle of res judicata. Hence this OA is dismissed as not maintainable.

(Madan Mohan)  
Judicial Member

(M.P.Singh)  
Vice Chairman

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कृष्णकन रं ओ/न्द्र	जवलपुर, दि.
पतिलिपि अन्तर्विद्या-	
(1) सर्वित, उच्च उंचाई वाले एकाउंटेन, जवलपुर	वे काउंटर
(2) आंदेशरु छी/लेन्डर/पुँ	वे काउंटर
(3) प्रश्नर्थी छी/लेन्डरी/पुँ	वे काउंटर
(4) दोपाल, दोपाल, जवलपुर ज्यामीठ	
सर्वांग एवं आवश्यक कार्यवाही देख	विवरण

IC-800  
9/8/03