

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, GWALIOR

Original Application No. 374 of 2001

Gwalior, this the 16th day of July 2003

Hon'ble Shri Kuldip Singh, Judicial Member
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Sobran Singh Chauhan son of late
Shri Umed Singh Chauhan, Retired
Office Superintendent II, Sr. DEE
(TRS) Central Railway, Jhansi aged
61 years resident of 80 A, Krishna
Colony, Gwalior M.P.

... Applicant

(By Advocate - Shri G.P. Sharma)

Versus

1. Union of India through The
General Manager Central Railway,
Mumbai CST.

2. The Divisional Railway Manager
(Personnel) Central Railway,
Jhansi.

... Respondents

(By Advocate - Shri V.K. Bhardwaj)

ORDER (Oral)

By Kuldip Singh, Judicial Member -

The present original application has been filed seeking the relief of direction to the respondents to make payment of interest of 12% compounded from 30/11/1997 till payment is made on DCRG amount including Rs. 7,000/- and Rs. 1,22,125/-, Leave Salary amount of Rs. 23,439/- and on commuted value of pension amount of Rs. 1,47,775/- since these are part of settlement dues as declared by the Hon'ble Supreme Court of India. The applicant has also sought directions to be given to the respondents for making payment of packing allowance on transfer etc.

2. The OA is being contested by the respondents by taking a preliminary objection that regarding the same

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relief the applicant has earlier filed an OA No. 248/1999 and the applicant therein made a statement that he had been paid all the settlement dues and he does not want to pursue the case. The counsel for the respondents had also submitted in that case after deducting an amount of Rs. 7,050/- only, rest of all dues amounting to Rs. 1,38,514/- has been paid to the applicant, and the deduction for electrical charges and audit recovery are not refundable. Thus the objection of the learned counsel for the respondents that the issues with regard to settlement dues of the applicant had already been adjudicated upon and was decided by the competent court of jurisdiction. Hence nothing survives and the applicant cannot come again and again for the same relief and the case is hit by principles of res-judicata.

3. We have also gone through the OA and the documents annexed alongwith the OA. We may point out that the OA filed before Central Administrative Tribunal is filed as per CAT (Procedure) Rules which has prescribed certain proforma for filing the OA. Column 6 of the proforma provides that the applicant is to make a declaration if he had taken up any proceeding earlier or not and details of remedies already exhausted have to be declared by the applicant. On ~~going~~ through the same we find that the applicant did not declare at all ~~that~~ that he had filed earlier an OA for the same relief. Thus the OA is not only barred by principles of res-judicata but since the applicant has also made concealment of facts that the applicant has earlier filed an OA which has been decided and has been adjudicated by the Tribunal. Hence the present OA is not maintainable. The OA stands dismissed accordingly.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

Kuldip Singh
(Kuldip Singh)
Judicial Member