

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 465/2000

Jabalpur, this the 13th day of August, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member

Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Surendra Prasad  
S/o Shri Bindeshwar Prasad,  
Aged about 35 years,  
R/o C/o Basant Prasad Chouhan,  
Infront of Railway Quarter,  
No. 19, Upperline,  
Jabalpur (MP)

APPLICANT

(By Advocate - Shri H.R. Bharti)

VERSUS

1. Union of India,  
Through General Manager,  
Central Railway,  
Mumbai (CST).

2. D.R.M. Railway,  
Bhopal (MP.)

3. Chief Workshop Manager,  
Coach Repairing Workshop,  
(Coach Factory),  
Bhopal (M.P.)

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O. R D E R

Heard the learned counsel for the parties. At the very  
out set the learned counsel for the respondents drawn our  
attention/order dated 17 April 2000 passed in OA 302/00  
which was filed by the same applicant before this Bench  
of Tribunal in the same matter. In Para 3 of reply is very  
specific objection has been taken that the applicant had  
earlier filed an OA in the same matter and the same was  
withdrawn without any liberty to file fresh Original Application  
Thus the very Original Application is not maintainable since  
the same is hit by doctrine of res judicata.

2. On the other hand the learned counsel for the applicant  
submits that due to inadvertance the word liberty has not  
been mentioned in the order. Otherwise he had filed earlier

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Original Application which contained multipule reliefs.

We find that there is no document to countenance his contentions. We understand that earlier OA is withdrawn simplicitor and the same was not decided in the merit ~~but~~, <sup>thus</sup> the applicant cannot be permitted to file another OA in the same matter. It may not be a case of res judicata but definitely it would a case of bench hunting. The same is not permissible in law. There the Original Application is not maintainable and the same stands dismissed. No costs.

Anand Kumar Bhatt  
(Anand Kumar Bhatt)  
Administrative Member

J.K. Kaushik  
(J.K. Kaushik)  
Judicial Member

Июль  
9.9.03