

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH:  
NEW DELHI**

O.A. NO.1488 of 2017

This the 30<sup>th</sup> day of July, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)**

Smt. Kamaljit Hunjan (since) deceased through his legal heirs:-

1. Col. Harjit Singh (Retd.) – husband
2. Capt. Hermanpreet Singh – son
3. Simranpreet Kaur – daughter
4. Shermanpreet Singh – son

All R/o House No.450, Phase 3-A, Sector 53, SAS Nagar (Mohali).

....Applicants

(By Advocate : Shri Atul Aggarwal)

VERSUS

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, SCO 72-73, Sector 31-A, Chandigarh.

.....Respondents

(By Advocate : Shri S. Rajappa)

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

By filing this OA, the applicant now represented by her legal heirs is seeking the following reliefs:-

- “i) That a direction may kindly be issued to the respondents to convert the CPF account of the applicant into the GPF account and the consequential relief thereof.
- ii) Pass any other order or direction which this Hon'ble Court may deem fit in the facts and circumstances of the case.”

2. This case was earlier heard on 25.7.2019 and allowed with directions and detailed order was to be recorded separately. However, while dictating the order, it came to notice that applicant has earlier filed OA No.172/2016 before the Chandigarh Bench of this Tribunal seeking direction to the respondents to convert her CPF account into GPF account with consequential benefits, which is exactly the same relief in the instant OA. The Chandigarh Bench of this Tribunal vide Order dated 29.2.2016 dismissed the said OA being hopelessly barred by limitation.

2. In the above circumstances, this case was directed to be listed today for 'For Being Spoken To". Today when this matter was taken up for consideration, this Court asked the counsel for the applicant that why he did not apprise the Tribunal about the factual position and that the same issue had already been raised by the applicant of the instant OA before the Chandigarh Bench of CAT and the Chandigarh Bench vide Order dated 29.2.2016 had adjudicated the same issue and dismissed the earlier OA No.172/2016 as being hopelessly barred by limitation. Counsel for the applicant was unable to give any satisfactory explanation on the same. On the other hand, counsel for the respondents submitted that due to unavoidable circumstances, he did not appear on previous date of hearing and only proxy counsel on his behalf

had appeared and hence the above fact escaped being brought to the notice of the Tribunal by the respondents' also.

3. Since the very same issue as raised in this OA had already been raised by the very same applicant earlier before the Chandigarh Bench in OA No.172/2016 and the coordinate Bench of this Tribunal adjudicated the same and vide Order dated 29.2.2016 dismissed the same, the instant OA is clearly hit by barred by principle of *res judicata*. Under law, a judicial decision is deemed final, when it leaves nothing to be judicially determined or ascertained thereafter, in order to render it effective and capable of execution, and is absolute, complete, and certain, and when it is not lawfully subject to subsequent rescission, review, or modification by the tribunal which pronounced it.

4. Hence, this OA is dismissed as barred by principle of *res judicata*. No costs.

**(Nita Chowdhury)**  
**Member (A)**

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