

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – **OA 1404 OF 2014**

Prafulla Kumar Singh Vs **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">11 <hr/>25.06.2018</p>	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has prayed for quashing of the order communicated under letter dated July 14, 2014 (Annexure-A20 to the original application) on the ground that the respondents have unduly claimed for refund of huge amount of money from the applicant and other ancillary reliefs.</p> <p>The applicant retired from the post of Health Supervisor (Malaria) on January 31, 2003 while he was working under respondent no. 6. The applicant approached the Tribunal by filing OA-729 of 2005 praying for direction upon the respondents to expedite payment of arrears of pay sanctioned in favour of the applicant on the basis of representation submitted by the applicant. Ultimately, the applicant filed contempt application being CCP-16 of 2006 which was disposed of by the Tribunal on August 28, 2014. By disposing of the said contempt application, the Tribunal observed that arrears of pay payable to the applicant have already been calculated and the outcome of such calculation indicates that there is no arrears due to the applicant, but there is net overdrawal of an amount of Rs.1,05,280/-. The Tribunal has specifically observed</p>	

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on August 28, 2014 that there is no scope for further adjudication of the matter and as such, the contempt application has been disposed of. In view of such observation of the Tribunal which is binding on both the applicant and the state respondents, the applicant cannot be permitted to agitate about fixation of pay or calculation of amount of overdrawal or mode of recovery of the said amount of money, as those issues have already been finally decided by the Tribunal in connection with the proceedings initiated before deciding the contempt proceeding by the Tribunal on August 28, 2014. Since the issues involved in this original application have already been decided in the proceedings between the same parties, the issues raised by the applicant in this original application are barred by the principle of res judicata.

In view of our above findings, we are constrained to hold that the applicant is not entitled to get any relief in the present application. The original application is **dismissed.**

Let a plain copy of this order be supplied to both parties.

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)