

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00257/2020

Date of Order: This, the 4th day of December, 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)

Sri Alok Lal
Son of Late Mohan Lal
Resident of Horlongpher Bazar
P.O. – Lumding, Dist – Hojai, Assam.

... Applicant



- Versus -

1. Union of India
Represented by the Chairman
Railway Board
In the Department of Railways
Rail Bhawan, Raisima Road
Raj Patha Area, Central Secretariat
New Delhi – 110001.
2. The General Manager (Personnel)
N.F. Railway, Maligaon
Guwahati, Dist – Kamrup, Assam.

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3. The Divisional Railway Manager (P)
N.F. Railway, Lumding, Dist – Nagaon, Assam.
4. The ADRM, N.F. Railway
Lumding, Dist – Nagaon, Assam.

...Respondents

For the Applicants: Sri K.D. Chetri & Ms. B. Baruah

For the Respondents: Ms. U. Das, learned counsel



ORDER (ORAL)

MANJULA DAS, MEMBER (J):

This matter has been taken up through video conferencing.

2. This case has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking for the following reliefs:-

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"8.1 For that the respondents herein under the legal obligation to appoint the applicant on compassionate ground against group "D" post as per verification of educational certificate of the petitioner vide Ref. No. E/APO/PC/Mis/Com/lumding 16/02/2011 under Memo No. LHS/Misc/16/56 dated 12/03/2011 as Annexure A6.

8.2 For that the respondent prayer for non considerations of the representation and 16/03/2020 thereby representation dated 10/06/2020 had been kept pending by the authority concern from any action and as such the applicant is compelled, before the Hon'ble Tribunal for invoking the jurisdiction under section 19 of the Administrative Tribunal Act 1985 for consider of the representations as submitted before the authority as erread respondents in the case."



3. It is noted that on similar cause, the applicant approached before this Tribunal vide O.A. No. 167 of 2010 which was dismissed vide judgment and order dated 05.07.2010. Thereafter, the applicant approached before the Hon'ble Gauhati High Court vide WP(C) No. 2665/2012 by challenging the order of

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this Tribunal dated 05.07.2010 passed in O.A. No. 167/2010. Said Writ Petition was also dismissed by the Hon'ble Gauhati High Court vide its judgment and order dated 07.08.2012. Subsequent WP(C) No. 5944/2018 filed by the applicant was also dismissed by the Hon'ble Gauhati High Court vide order dated 03.09.2018.

4. From the perusal of records, it is seen that this O.A. has been filed with same cause of action inasmuch no such new cause of action appears there in the present O.A. for further approaching before this Tribunal. Earlier also applicant had approached before this Tribunal in the same cause of action which was dismissed. It is further seen that Writ Petitions filed by the applicant were also dismissed by the Hon'ble Gauhati High Court.



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5. In view of that, we found that the present O.A. is devoid of merit and accordingly, the same is hereby dismissed.

6. There shall be no order to costs.



(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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