

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

Diary No. 353/2021 (OA/310/00375/2021)

Dated Wednesday the 24th day of March Two Thousand Twenty One

**CORAM : HON'BLE SHRI. S. N. TERDAL, Member (J)
HON'BLE SHRI. C. V. SANKAR, Member (A)**

(Through Video Conferencing)

T.V.V.Satyanarayana (age 58)
S/o. T. Sriranganayakulu,
No. 75A, 7th Street,
Lakshmi Nagar,
Kolathur, Chennai 600099.Applicant

By Advocate M/s. R. Malaichamy

Vs

1.Union of India,
rep by the Principal Financial Advisor and
Chief Accounts Officer/MAS,
Southern Railway Head Quarters,
2nd Floor, Park Town,
Chennai 600003.

2.The Financial Adviser and
Chief Accounts Officer/Traffic Accounts/MAS,
Southern Railway, MMC,
7th Floor, Park Town, Chennai 600003.

3.The General Manager,
Southern Railway, Head Quarters,
1st Floor, Park Town,
Chennai 600003.Respondents

ORAL ORDER

(Pronounced by Hon'ble Shri. S. N. Terdal, Member(J))

The reliefs prayed for in this OA is as follows:

"1. To direct the 1st respondent to extend the service benefits including monitory benefits granted to S. Banuprakash by virtue of judgment made in WP No. 4954 of 2016 for which the applicant has submitted a review petition dated 27.03.2018 and subsequent petitions dated 12.03.2020, 02.11.2020, 10.12.2020 & 20.01.2021 to the 1st respondent; consequently

2. Further direct the respondents to revise and refix the pay and allowances of the applicant accordingly and pay the arrears of the same to him and

3. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. Heard Mr. R. Malaichamy, counsel for the applicant.

3. As stated in the OA itself, the applicant had filed OA 1555/2010 before this Tribunal seeking the same relief which he has sought in this OA. The said OA was dismissed by this Tribunal by order dt. 22.08.2013 and now because in the case of a similarly situated one Shri. S. Banuprakash whose OA No. 1475/2010 was also dismissed by this Tribunal by order dt. 22.08.2013 and he having filed a WP in the High Court viz., WP No. 4954 of 2016 and the said WP having been allowed and the SLP filed by the department against the order passed by the High Court having been dismissed by the Hon'ble Supreme Court, the applicant now filed this OA seeking the relief given to the said S. Banuprakash in the order of the Hon'ble High Court in WP No. 4954 of 2016.

4. The averments made by the applicant in the OA in this regard are extracted below:-

".....

7. Under such circumstances, the applicant filed OA No. 1555 of 2010 challenging the orders of withdrawing the promotion to the cadre of Accounts Assistant. But, unfortunately, the applicant lost the case and this Hon'ble Tribunal dismissed the OA by an order dated 22.08.2013. It is pertinent to

mention here that the applicant's wife was unwell from the date one of punishment imposed to the applicant and she expired in the year 2017. Therefore, the applicant was unable to approach the Hon'ble High Court.

8. One similarly placed person Shri. S. Banuprakash also was imposed with same punishment for the same set of offence alleged to be committed. He has also became unsuccessful in challenging the order of permanent reduction to a lower Grade.

9. The applicant states that the said S. Banuprakash also was promoted to the cadre of Accounts Assistant as like the applicant, subsequently the said promotion was withdrawn as in the case of the applicant. He has also filed OA No. 1475 of 2010 before this Hon'ble Tribunal challenging the withdrawal of promotion made to him and it was dismissed by an order dated 22.08.2013.

10. Aggrieved by the said order, the said S. Banuprakash has filed W.P. No. 4954 of 2016 before the Hon'ble High Court, Madras challenging the order made in O.A. No. 1475 of 2010 dated 22.08.2013 and it was allowed by an order dated 15.11.2018. The respondents Department filed SLP (Diary) No. 1821 of 2020 before the Hon'ble Supreme Court of India and it was dismissed by an order dated 28.02.2020.

11. Since S. Banuprakash filed W.P. No. 4954 of 2016, the applicant waited for the outcome of judgment in the said case. In the meanwhile, the applicant submitted a review petition dated 27.03.2018 to the 1st respondent to consider his request to restore him to the post of Inspector of Stores Account with all attendant benefits.

12. On coming to know of the judgment made in W.P. No. 4954 of 2016 and the judgment in SLP dated 28.02.2020 in the case of S. Banuprakash, the applicant has submitted another petition dated 12.03.2020 and annexed the copy of judgment in the case of Banuprakash. Since no reply, the applicant submitted petition dated 02.11.2020, but there is no response. Hence, the applicant again submitted petitions dated 10.12.2020 and 20.01.2021 and requested the 1st respondent to extend the benefit of judgment in the case of S. Banuprakash to the applicant also, but till date there is no response. Hence this application."

5. In this OA, as the applicant is seeking the same relief which he has sought in OA 1555 of 2010 and the said OA having been dismissed, this OA is not maintainable. Hence, this OA is dismissed. Registry to number the OA for record purposes.

(C.V.Sankar)
Member(A)

24.03.2021

(S.N.Terdal)
Member(J)

SKSI