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Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No.657 of 1988

Umesh Behari Mathur ... Applicant

Vs.

Union of India and others .. Respondents.

Hon.Ajay Johri,AM

Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

as pleaded in O.A.No.425 of 1988 filed by him

The case of the applicant is that he was working as Superintendent (Type) in the office of the Divisional Railway Manager, Northern Railway, Lucknow and by order dated 26.9.1987, he was reverted as a typist by the respondent no.4. In the petition, there are only 3 respondents and there is no respondent no.4 (in O.A.No.425 of 1988). It further appears from O.A.No.425 of 1988 filed by the applicant on 4.4.1988 that instead of challenging his reversion the applicant had challenged the order dated nil/9/87 passed by the D.P.O Lucknow- respondent no.3 empanelling 4 members of the staff and appointing them as Asstt. Superintendent (Type). It may be pointed out again that though the applicant had sought an interim relief against his reversion but he did not claim it as one of the main reliefs in the petition and the only relief claimed by him was that the aforesaid order of empanelment and appointment dated 23.9.1987, annexure 7 be quashed. The ^{said} petition was admitted on 12.4.88 but the interim relief prayed for by the applicant was not granted and only a notice was issued. The reply of the respondents has been received in the case but despite affording 3 opportunities, the applicant has not filed his rejoinder in that case. The present petition was filed by the applicant on 26.5.88 challenging the empanelment and appointment of respondent nos. 4 to 7. This relief was claimed even in his earlier petition O.A.No.425 of 1988. Besides this relief, the applicant has also claimed one more relief in the present petition to the effect that order dated Nil/8/87 passed by the respondent no.2 -D.R.M. Lucknow and received by the applicant on 15.9.1987 rejecting his representation against the aforesaid empanelment and appointment of the respondent nos. 4 to 7 be set aside. This second relief is superfluous specially

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in view of the fact that the earlier petition of the applicant was already admitted and its maintainability was not questioned for want of exhausting the departmental remedies. The present petition is thus, in all respects, for the same relief which was sought by the applicant in his earlier petition O.A. No.425 of 1988 which the applicant concealed in this petition.

2. In para 8 of the original application, as prescribed under the Central Administrative Tribunal (Procedure) Rules, 1987, the applicant has to declare whether any matter previously filed by the applicant in any Court regarding the matter in respect of which the application has been filed, is, or not, pending. In para 8 of the petition, the applicant made a wrong declaration that his no petition in any Court or this Tribunal in respect of the same subject matter is pending. He thus, committed perjury by making a wrong declaration on oath and wrongly filed ^{an application} ~~an affidavit~~ before this Tribunal contrary to the provisions of law and when this fact was raised on behalf of the respondents, the learned counsel for the applicant admitted that there is very minor difference between two petitions of the applicant and both the petitions are not for identical reliefs. We have already pointed out above the difference in the two petitions and in the eye of law both the petitions have to be treated for the same relief and the present petition is not maintainable.

3. The petition is accordingly dismissed as not maintainable. The applicant shall pay Rs.200 (Rupees Two Hundred) as costs to the respondents ~~to~~ this petition. Let a miscellaneous case be registered against the applicant for making a false statement and declaration in para 8 of this petition and he is required to show cause by 26.9.1988 as to why he should not be prosecuted for committing perjury.

Sharma
MEMBER(J)

अजय जोषी
MEMBER(A)

Dated: 4th Aug. 1988

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