

OA/53/89

Shri Karasanbhai Bhikhabhai  
Parmar, Booking Clerk,  
Chanasma

... Applicant

Versus

The Union of India  
Owning and representing  
Western Railway through  
The Divisional Rail Manager,  
Western Railway, Rajkot.

... Respondent

Coram : Hon'ble Mr.P.H. Trivedi : Vice Chairman  
Hon'ble Mr.P.M. Joshi : Judicial Member

ORAL ORDER

Dt: 30/3/1989.

Per : Hon'ble Mr. P.M. Joshi .. .. Judicial Member

In this application, the petitioner Shri Karasanbhai Bhikhabhai Parmar has challenged the validity of the order dated 25/8/88 (Annexure A-1), whereby he is reverted to the post of "Point-Man" in class IV in the scale of Rs.800-1150, on the ground that he is holding the post of Booking Clerk for the last 10 years. According to Mr. Padhya, the petitioner has undergone the examination held on 27.5.1988 for the selection post (class III) and the result is likely to come out and till then he needs to be protected.

2. It is pertinent to note that the present application is barred by the principle of "res judicata". The petitioner filed the Regular Civil Suit No. 75/85 in the Court of Civil Judge, Senior Division, Mehsana, when he was initially reverted to class IV post i.e. to which he was holding a substantive position. He was protected by the interim relief granted by the Court. The said suit after adjudication has been dismissed (TA/727/86) on 27.6.1988. In our judgment,

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we have clearly held that the petitioner was promoted to the post of Commercial Clerk (class III) purely on ad hoc basis and the orders of reversion are simplicitor in nature. The present petition is nothing but an attempt to reaggitate the same issues which have been already decided finally in the said application. The present application merits no consideration and it is accordingly summarily rejected.

  
( P M Joshi )  
Judicial Member

  
( P H Trivedi )  
Vice Chairman

a.a.bhatt