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O.A. No. 151 of 2009

Order dated: 04.05.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

We have heard Mr. R.K. Mohanty, Ld. Counsel for the applicant and Mr. S.B. Jena, Ld. Addl. Standing Counsel for the Respondents.

2. The applicant filed this O.A. with the following prayers:

“to admit the present Original Application, issue notice to the Opp. Parties, call for the records and after hearing the parties allow the same with cost directing the respondents/authorities to consider the applicant's application for redeployment under Annexure-3 and 4 and the respondents may be directed to redeploy the applicant in the grade of Inspector in view of the circular under Annexure-1 and 2 and pass any other..”

3. The applicant submits that after retirement from service he has applied for redeployment and that his application is still pending with the authorities. He prays that till his application is considered by the authorities, he may be allowed to stay in the quarters and this Tribunal may dispose of the matter by directing the Respondents to consider his application for redeployment.



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4. We have gone through the O.A. and we have noted that the same applicant had approached this Tribunal by filing O.A. No. 122/09 praying for the same relief. We had considered that O.A. on merit and observed that as the applicant therein had claimed two reliefs, there appears a plurality of remedy, for which the applicant ought to have paid one more court fee. However, we had not considered that ground for dismissal of the O.A. After dismissal of the said O.A., the present O.A. has been filed. The only difference that appears in the present O.A. is that the applicant prays for a direction to the respondents to consider his application for redeployment and direct the Respondents to appoint him.

5. We are of the view that the matters, the grounds and relief sought have been covered by the earlier order passed by this Tribunal. Even if, the applicant restates his prayers, we see that there is no statutory duty cast on the Respondents to give redeployment to the applicant. The Respondents would consider all the applications including that of the applicant for redeployment. For that purpose alone, the O.A. should not lie before this Tribunal. Those are



all the look out of the Respondents. This Tribunal is not expected to consider such matters at this stage.

6. In the aforesaid circumstances, we see no merit in this O.A. However, Ld. Counsel for the applicant insisted his argument for a direction, which he had already prayed in the earlier O.A. Admittedly, the applicant as well as the Ld. Counsel for the applicant are aware of the fact that the earlier O.A. has been dismissed by this Tribunal on merit including vacation of the quarters. Hence, we see that this O.A. is dismissed with a cost of Rs. 1500/- as this O.A. is nothing but abuse of the process of law and hoodwinking this Tribunal. The amount of cost ordered by this Tribunal shall be paid to the State Legal Services Authority of Orissa within three months from today. If the amount of cost as ordered is not paid, the same can be recovered by the Orissa State Legal Services Authority invoking the law in force.

7. With the above order this O.A. stands dismissed.

8. The Registry shall send a copy of this order to the Secretary, Orissa State Legal Services Authority, Cuttack, for implementation and report to this Tribunal.

9. The Registry shall also send a copy of this order to the 2nd Respondent for immediate action to be taken

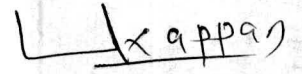


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against the applicant for vacating the quarters now occupied
by him.


MEMBER (A)


MEMBER (J)

RK

