

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
~~XXXXXX~~

619/92  
199  
Dy. No. 3762/92

DATE OF DECISION 27.4.92

Smt. K.N. Pushpavally

Applicant (s)

Mr. Abdul Latheef

Advocate for the Applicant (s)

Versus

Sr. Superintendent of Post Offices, Ernakulam Divn. and others Respondent (s)

Mr. K.A. Cherian-ACGSC (R. 1/93)

Mr. UVR Krishnan, (R. 2) Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. Mukerji - Vice Chairman

The Hon'ble Mr. A.V. Haridasan - Judicial Member

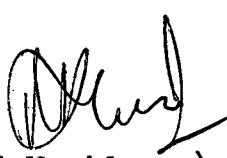
1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? Yes
4. To be circulated to all Benches of the Tribunal? No

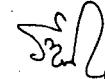
JUDGEMENT

(Hon'ble Mr. S.P. Mukerji, Vice Chairman)

We have heard the learned counsel for all the parties in this application in which the applicant has moved this application again challenging the impugned order of transfer dated 14.2.92 at Annexure.A.3. In the application itself the applicant has conceded that she had challenged the same order in O.A.378/92 which was dismissed by this Tribunal on 20.4.92, when the applicant's counsel failed to appear. The learned counsel for Respondent No.2 indicated that the dismissal was on merit, even though the applicant's counsel was not present. In any case, this application which is

against Annexure A.3 order is barred by the principle of res judicata. In case the applicant feels aggrieved by the dismissal of O.A. 378/92 it was open to her to seek a review in accordance with law or file an appeal against that order. The learned counsel for the applicant (the applicant) stated that she may be allowed to occupy the quarters allotted to SPM, Thevara till the end of June as her children are appearing in the examination at present. The learned counsel for respondents 1&3 indicated that there will be no objection of the applicant being allowed to retain the quarters at Thevara till the end of June 1992. Be that as it may, the application has to be dismissed and we do so. We however, make it clear that this will not preclude the applicant from making a representation <sup>nor</sup> <sub>to</sub> <sup>from</sup> Respondents 1&3 for allowing her to occupy the residential quarters at Thevara till the end of June, 1992. There will be no order as to costs.

  
(AV Haridasan)  
Judicial Member

  
27-4-92  
(SP Mukerji)  
Vice Chairman

27-4-92

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