

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 133/2007

Wednesday, this the 16th day of July, 2008.

C O R A M

**HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR. K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

K.Sudhakaran Nair,
S/o N Kuttan Pillai,
GDSMD, Adichanallur,
Kollam – 691 573.

.. Applicant

By Advocate Mr Vishnu Chempazhanthiyil

V.

- 1 Senior Superintendent of Post Offices,
Kollam Postal Division,
Kollam.
2. Chief Post Master General,
Kerala Circle,
Thiruvananthapuram.
3. Union of India represented by
the Secretary,
Ministry of Communications,
New Delhi.

.. Respondents.

By Advocate Mr CM Nazar, ACGSC

The application having been heard on 16.7.2008, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER

The applicant was appointed as an Extra Departmental Packer at Parippally P.O. on 1.5.1981 and on abolition of that post, he was appointed as Extra Departmental Mail Carrier (EDMC for short), Chirakkara B.O on 3.2.1982. While working in that capacity, he was appointed on transfer as GDS MD, Adichanalloor on 20.10.2000. After a lapse of 2 ½ years, vide order dated 12.4.2003 he was directed to go back to his original post of GDSMD, Chirakkara. Aggrieved by the aforesaid order, applicant approached this Tribunal vide O.A.338/2003, to quash the same and to

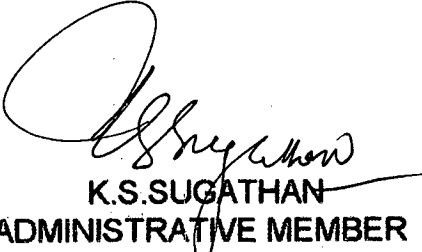
declare that he was entitled to continue as EDDA, Adichanallur (GDSMD). He also sought a direction to the first respondent to "transfer him back to Adichanallur as EDDA with consequential benefits including arrears of allowance in lieu of the reduction from 12.4.2003".

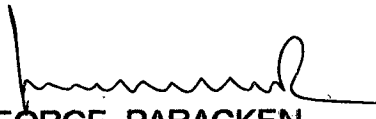
2. The aforesaid O.A was allowed by this Tribunal and declared that the applicant was entitled to continue as EDDA, Adichanallur, GDSMD and directed the 1st respondent to issue appropriate orders re-transferring him back to Adichanallur as EDDA forthwith. The respondents complied with the aforesaid directions of this Tribunal and posted him back to Adichanallur as EDDA and he joined there on 11.2.2006.
3. After a couple of months, the applicant made Annexure A-3 representation dated 10.10.2006 and Annexure A-4 representation dated 23.12.2006 requesting the respondents to take action for payment of all entitled benefits to him in accordance with the directions of this Tribunal as aforesaid. Since those representations remained unanswered by the respondents, he has, approached this Tribunal with the present O.A seeking the following reliefs:
 - i) Direct the respondents to grant pay and allowances of the post of GDSMD Adichanallur from 12.4.2003 to 11.2.2006 to the applicant.
 - ii) Direct the respondents to treat as if the applicant and continued to work as GDSMD Adichanallur with effect from 25.10.2000 and to give all service benefits accordingly.,
 - iii) Direct the 2nd respondent to consider and pass order on Annexure A-3 and A-4 forthwith.
4. The respondents contested the case and submitted that the allowances attached to both the posts are different as they are fixed as per the work load of each post but other benefits like leave, promotional scopes etc. are same and similar for both the posts. They have therefore, submitted that the applicant could not have legitimately claimed the allowances for the post of GDSMD, Adichanallur for the period he had actually worked as GDSMC, Chirakkara.



5. We have heard Shri Vishnu S Chempazhanthiyil, counsel for applicant and Shri M.C.Nazar, ACGSC for respondents. It is noted above, the applicant had earlier filed O.A.338/2003 seeking the same relief i.e. "consequential benefits including arrears of allowances in lieu of the reduction from 12.4.2003". The Tribunal has considered the aforesaid relief but the direction to the respondents was only to the extend of his re-transfer back to Adichanallur as EDDA and no directions were given regarding his relief for payment of arrears and allowances. Once the applicant has sought the relief in the said O.A and it has not been granted, he cannot re-agitate for the same relief by a separate O.A. The relief sought by the applicant in this O.A is hit by resjudicata. Accordingly the O.A is dismissed. There shall be no order as to costs.

Dated, the 16th July, 2008.


K.S.SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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