

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.303/06

Wednesday this the 20th day of December 2006

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

T.R.Narayana Potti,
S/o.Raman Potti,
LSG Accounts Supervisor,
HRO (Accounts), Thiruvananthapuram.
Residing at T.C.57/911, Akshatha Nilaya,
Cherukani, Kalady South, Karamana.

...Applicant

(By Advocate M/s.P.Shrihari & P.Vani)

Versus

1. Senior Superintendent of Railway Mails,
RMS TV Division, Thiruvananthapuram.
2. Chief Postmaster General,
Kerala Postal Circle, Thiruvananthapuram.
3. Union of India represented by its Secretary,
Ministry of Communications, New Delhi.
4. A.Nazeer,
Accountant, HRO Accounts,
RMS TV Division, Thiruvananthapuram.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC [R1-3]
& Mr.Shafik.M.A. [R4])

This application having been heard on 20th December 2006 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant in this O.A is working as a LSG Accounts Supervisor and is contesting his seniority against the 4th respondent. He had earlier filed OA 433/02 praying to declare him senior to the 6th respondent (4th respondent in this O.A). This Tribunal had come to the finding that the applicant had lost his seniority by transfer under Rule 38 and that the

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respondents had acted in accordance with rules. In this O.A., the applicant is again seeking the same relief urging same grounds. The applicant had made further representations to the respondents which have been disposed of by Annexure A-10, the 2nd impugned order, also on the same grounds as the matter had already been decided by the C.A.T., Ernakulam Bench in O.A.433/02.

2. In the reply statement filed here also the respondents have maintained the same position and further stated that there is no loss of any monetary benefits to the applicant by continuing in the present post and the question of seniority has already been settled by O.A.433/02.

3. When the matter came up today, it has come to light that the applicant has filed W.P.(C) 18481/06 before the Hon'ble High Court against the order of this Tribunal in O.A.433/02 and that W.P.(C) is still pending. In the light of this fact that the applicant had already taken up the matter which has been decided by this Tribunal, before the Hon'ble High Court, a fresh application on the same grounds urging the same relief and challenging the consequential orders passed in pursuance of the Tribunal's order, is hit by res judicata. The O.A is, therefore, closed without further adjudication and the applicant shall await the outcome of the W.P.(C) pending before the Hon'ble High Court. No order as to costs.

(Dated the 20th day of December 2006)


K.B.S. RAJAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN