

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.350/2002.

Thursday this the 30th day of May 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

C.Balakrishnan,
Retired Senior Goods Clerk,
Southern Railway Virarakkiam,
Now at VIII-1400 A,
T.D.East Road,
Cochin-682 002.

Applicant

(By Party in person)

Vs.

1. Divisional Railway Manager,
Southern Railway, Palghat.
2. Senior Commercial Manager,
Southern Railway, Palghat.
3. Union of India, represented by
the Secretary to Government,
Ministry of Railways,
New Delhi.

Respondents

(By Advocate Smt. Rajeswari Krishnan)

The application having been heard on 30th May 2002
the Tribunal on the same day delivered the following:


O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant while working as Senior Goods Clerk at the Mangalore Railway Booking Office was awarded a penalty of removal from service by order dated 7.1.1987. The applicant challenged the above order before the Tribunal in O.A.-K 189/87. The Tribunal set aside the punishment of removal from service, but imposed a penalty of treating the period of removal from service as dies-non for increment, seniority and pay and stoppage of increment for one year without cumulative effect. He was also permitted to remit the amount of shortage outstanding against him within a period of one month from the date of communication of

that order. Dissatisfied by the outcome of the O.A. the applicant filed a Review Application 5/92 in O.A.-K.189/87. However, the Tribunal rejected the R.A. A few years thereafter, coming to know that the Tribunal doesn't have jurisdiction to substitute the penalty, the applicant filed O.A.660/96 praying that the punishment imposed on the applicant in terms of the order in O.A.-K.189/87 is inoperative as the Tribunal has no such powers. The above O.A. was rejected by the Tribunal. The applicant approached the Hon'ble High Court of Kerala. The Hon'ble High Court of Kerala also did not entertain his grievance. An SLP was filed by the applicant aggrieved by the rejection of the O.A. That SLP was dismissed by the Hon'ble Supreme Court on the ground of delay as well as on merits by order Annexure A-5 dated 10.7.2001. The applicant has now again came up with this application for a declaration that the punishment imposed by this Tribunal vide order in O.A.-K.187/87 is invalid and inoperative and for a direction to the first respondent to pay all dues and promotions of the applicant which was denied on account of the above judgement and for a further direction for payment of Rs.20,000/- towards the expenses incurred by the applicant.

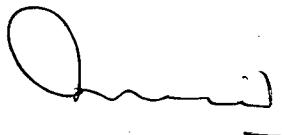
2. We have heard the applicant who is present in person and Smt.Rajeswari Krishnan appearing for the respondents. We have also perused the application and all the material placed on record. The application cannot be entertained because, an earlier application i.e.O.A.660/96 filed by the applicant was rejected by the Tribunal and the Apex Court has dismissed the SLP filed against it, on account of delay and on the merits. The applicant is debarred from approaching the Tribunal again on the



principles of res-judicata. Further as the Highest Court in the country has turned down the claim of the applicant, the application cannot be maintained subsequently for the same relief before this Tribunal.

3. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 30th May, 2002


T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1 : Copy of order in OA (K) 189/87 dated 15.2.89 C.A.T., Ernakulam.
2. A-2 : Copy of order in RA-5/92 in OA (K) 189/87 C.A.T., Ernakulam.
3. A-3 : Copy of order in OA 660/96 dated 11.6.96 C.A.T., Ernakulam.
4. A-4 : Copy of final order in OP No.13796/98-S dated 6.11.99 High Court of Kerala.
5. A-5 : Copy of order in SLP 3909/2001 dated 10.7.2001 Supreme Court of India.

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