

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.365/98

Thursday, this the 12th day of March, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

CT Sosa,
Cheruman Chira,
Thuruthikkara, Mulanthuruthi,
Ernakulam District.

- Applicant

By Advocate Mr TC Govindaswamy

Vs

1. Union of India represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town.P.O.
Chennai-3.

2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town.P.O.
Chennai-3.

3. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.

- Respondents

By Advocate Mrs Sumathi Dandapani(rep)

The application having been heard on 12.3.98, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who commenced service as a Casual
Labourer in the year 1963, absorbed in service in the year 1988
and retired on superannuation in the year 1989, had earlier filed

an Original Application before this Tribunal praying that the respondents be directed to grant her service pension. That application O.A.1010/90 was after complete adjudication, dismissed finding that the applicant was not entitled for pension taking into account her service casual as also regular. The applicant thereafter made a representation to the General Manager and also the Divisional Personnel officer on 10.12.93 requesting for condonation of break in service and to consider her case for granting of pension. Finding no response to this the applicant filed an application before this Tribunal in O.A.266/95 which was dismissed as withdrawn on 15.3.95 by A-3. Thereafter, the applicant again made a representation to the General Manager, Southern Railway on 25.3.95 which was rejected by A-5 order dated 20.6.95. The applicant made a further representation to the Chief Personnel Officer repeating the same request which was followed up by another one to the General Manager dated 25.6.97. Ultimately, finding no reply, the applicant has filed this application praying that the respondents may be directed to consider the representation in the light of the finding in A-1 judgement that the applicant had acquired temporary status with effect from 21.3.64 also in the light of the Railway Board order dated 18.11.81 and to grant her consequential benefits.

2. On a careful perusal of the application, the Annexures appended thereto and on hearing Shri TC Govindaswamy, counsel for the applicant and the standing counsel for the department, we are of the considered view that the application does not deserve to be admitted and adjudicated. Though very cleverly

in the application the relief has been claimed not specifically for grant of pension, in effect the prayer ultimately is for that. The applicant had earlier filed an application O.A.1010/90 claiming pension which was thoroughly adjudicated and ultimately rejected finding that the applicant was not entitled to the relief. Merely because the applicant had been making representations thereafter though quoting Railway Board circular which was issued as early as in the year 1981 and that the respondents have given a reply in the year 1995, the applicant does not get a fresh cause of action to agitate a matter which was concluded by a judgement of this Tribunal. If the applicant was aggrieved by the decision in O.A.1010/90, the course open for him was to challenge that order before an appropriate forum. Therefore we reject this application under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated, the 12th March, 1998.



(SK GHOSAL)
ADMINISTRATIVE MEMBER



(AV HARIDASAN)
VICE CHAIRMAN

trs/13398

LIST OF ANNEXURES

1. Annexure A-1 : Judgement of Central Administrative Tribunal, Ernakulam Bench in O.A 1010/90 dated 5-2-93.
2. Annexure A-3 : Judgement in O.A 266/95 dated 15-3-95 delivered by Central Administrative Tribunal, Ernakulam Bench.
3. Annexure A-5 : Order No.P(S)443/1/266/1995 dated 20-6-95 issued by the Second respondent.

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