

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA No.1111/91.

Dt. of Order:24-2-92.

Ch.Janardhan

....Applicant

Vs.

1. The Sr.Deputy Director General,
Geological Survey of India, Southern
Region, GSI Complex, Bandlaguda,
Hyderabad-500 660.
2. A.S.Thailamba, presently designated
as Lab Assistant (Geology), Geological
Survey of India, Bandlaguda,
Hyderabad-500 660.

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Counsel for the Applicant : Sri I.Laxmikanth Rao

Counsel for the Respondents : Sri N.V.Ramana, for R-1
Sri V.Venkateshwar Rao,
Advocate for R.2.

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CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Division Bench dictated by
Hon'ble Sri T.C.Reddy, Member (J)).

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This application is filed under section 19 of
the A.T.Act, 1985, for a direction to call for the records
relating to appointment of Lab Assistant (Geology) in the
office of the 1st Respondent and to declare the action of
the 1st Respondent in appointing the ineligible candidate
vide letter No.9417/A/12024/9/LA(g)/81/16A dt.7-11-91
as Lab Assistant (Geology), as null and void and pass
such other orders as may deem fit and proper in the circum-
stances of the case.

We have heard Sri I.Laxmikanta Rao, learned

T. C. Reddy

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counsel for the applicant, Sri V.Rajeshwar Rao, Advocate for Sri N.V.Ramana, learned counsel for the 1st Respondent and Sri V.Venkateshwar Rao, learned counsel for the 2nd Respondent.

The present applicant had filed O.A.1038/91 for the very same relief prayed for in this application. The said OA 1038/91 had been disposed of by an order of this Tribunal dt.11-11-91, which reads as follows :-

"Heard both sides. The applicant made a statement that he intends to withdraw this O.A. Hence we dismiss this OA as withdrawn."

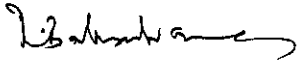
It is the contention of the learned counsel for the 2nd Respondent that the order dt.11-11-91 operates as res-judicata and hence the present O.A. is not maintainable. In support of his contention he relied on a judgment reported in AIR 1987 SC 88 (Sarguja Transport Service Vs. State Transport Appellate Tribunal, Gwalior & others). At the outset we may point out that while passing orders in OA 1038/91 dt.11-11-91 we have not gone into the merits of the case at all. We have dismissed the said O.A. as withdrawn at the threshold itself in view of the fact that the applicant had approached the Tribunal without availing alternative remedies under section 20 of the A.T.Act, 1985. In view of this position we are of the opinion that the said order does not operate as res-judicata. The facts/case reported in AIR 1987 SC 88 are all together different and

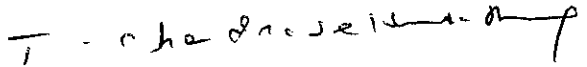
T. C. N. P.

.....3.

are not applicable to the facts of this. Hence we do not have any doubt to come to the conclusion that the said order operates as res-judicata in any way and hence this O.A. is maintainable.

At the time of hearing this application it was brought to our notice that within 10 days after making the representation dt.12-11-91 that the applicant has filed the present application. Hence we dispose-of this application with a direction to the Respondents to dispose-of the applicant's representation dt.12-11-91 within a period of three months from the date of receipt of this order. If the applicant continues to be aggrieved on the final orders passed on his representation, he would be at liberty to approach this Tribunal afresh ^{in accordance with law} With these observations, we dispose-of the application with no order as to costs.


(R. BALASUBRAMANIAN)
Member (A)


(T. CHANDRASEKHAR REDDY)
Member (J)

Dated: 24th February, 1992.
Dictated in Open Court.


Deputy Registrar

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To

1. The Sr. Deputy Director General,
Geological Survey of India, Southern Region,
GSI Complex, Bandlaguda, Hyderabad-660.
2. One copy to Mr. I. Laxmikanth Rao, Advocate
52/A, Vengalrao colony, Hyderabad.
3. One copy to Mr. N.V. Ramana, Addl. CGSC. CAT. Hyd.
4. One copy to Mr. V. Venkateshwar Rao, Advocate for R.2 CAT. Hyd.
5. One spare copy.

pvm