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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 974/92

Date of Order: 30.11.1992.

BETWEEN:

L.V.N.Murthy

.. Applicant.

A N D

1. Union of India rep. by:-

1. The General Manager(G.M.),  
South Eastern Railway (S.E.Rly),  
Garden Reach, Calcutta - 700 043.

2. The Chief Personnel Officer(C.P.O.),  
South Eastern Railway,  
Garden Reach,  
Calcutta - 700 043.

3. The Divisional Personnel Officer(D.P.O.),  
South Eastern Railway, Waltair,  
Visakhapatnam - 530 004.

.. Respondents.

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Counsel for the Applicant

.. Mr.P.Venkataramana  
Sarma

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUD L.)

--- T. Chandrasekhara Reddy

10/12/92

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Order of the Single Member Bench delivered by  
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.).

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents (1) for payment of his arrear bill submitted under letter dated 18.3.1975 for two spells from 1.1.1956 to 1.1.1965 and from 20.9.1967 to 10.2.1974 with regard to dual charge allowance to a sum of Rs.41,237-51 ps. as per letter dated 16.8.1964 and (2) to pay sum of Rs.50,000/- towards damages for monetary loss to the applicant due to frequent transfers and reversion and for mental pain and agony that the applicant and his family members had suffered due to the said transfers and reversion.

2. Today we have heard Mr.P.Venkataramana Sarma, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

3. This applicant had filed Writ Petition No.5451/79 on the file of the High Court of Andhra Pradesh for the first relief in this OA. The said Writ Petition was dismissed. The applicant herein had preferred Writ Appeal No.612/80 on the file of the High Court of Andhra Pradesh. As per judgement in the writ Appeal dated 17.2.1986 the said Writ Appeal had been dismissed with a direction to the applicant to seek remedy in a Civil Court. But no material is placed before the Tribunal to show that the applicant had filed a Civil Suit as per the directions of the Hon'ble High Court in the said Writ Appeal No.612/80.

4. No doubt, page 23 of the material papers (Annexure-B) would go to show that the Principal Subordinate Judge of Visakhapatnam, had directed the applicant as per his orders dated 23.7.1987 to approach this Tribunal for the redressal of

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his grievances. Eventhough the said order of the subordinate Judge of Visakhapatnam is dated 23.7.1987, the applicant had not approached this Tribunal within a reasonable time from 23.7.1987. This OA is filed on 31.12.1991. As seen the applicant had approached this Tribunal after more than 4 years from the date of the orders of the Subordinate Judge, Visakhapatnam. We see any amount of laches on the part of the applicant. So, in view of the said laches on the part of the applicant this OA is liable to be rejected. So, the applicant is not entitled in this case to any of the reliefs as prayed for by him.

5. We see one more hurdle to admit this OA. The applicant has approached the Supreme Court of India in W.P.No.1084/90 on the file of the Supreme Court of India under article 32 of Constitution of India for the very same reliefs he has prayed for in this OA. The Hon'ble Supreme Court of India as per orders dated 13.12.1990 has dismissed the said W.P. at the admission stage. So, in view of the dismissal of the said W.P., it is not open for this Tribunal to entertain this OA for the very same reliefs the applicant has prayed for in the said writ Petition No.1084/90 before the Supreme Court of India, as this O.A. is hit by the principles of constructive resjudicata. So, on this ground also this OA is liable to be rejected. So, as this OA is not a fit one to be adjudicated, this OA is rejected under the provisions of 19(3) of the Administrative Tribunals Act, leaving the parties to bear their own costs.

32/01

T. Chandrasekhara Reddy  
(T.CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 30th November, 1992

(Dictated in Open Court)

18/12/92  
Registrar (Judl.)  
Contd... 4) -

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J.H. 16/12/92  
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TYPED BY \_\_\_\_\_ COMPARE BY \_\_\_\_\_  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CHECKED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_  
HYDERABAD BENCH  
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR. \_\_\_\_\_ V.C.  
AND  
THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)  
AND  
THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)  
AND  
THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 30/11/1992

ORDER/JUDGMENT:

R.A./C.A./M.A. No. \_\_\_\_\_

in \_\_\_\_\_

O.A. No. \_\_\_\_\_

974/92

T.A. No. \_\_\_\_\_

(W.P. No. \_\_\_\_\_)

Admitted and Interim directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

8.10.92  
7.11.92

