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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.439/94

DATE OF ORDER : 11-3-1997.

Between :-

C.G.Pandari Rao

... Applicant

And

1. The Railway Board represented  
by its Secretary (Establishment),  
New Delhi.

SC Rlys, Sec'bad.

3. The Chief Personnel Officer,  
SC Rlys, Sec'bad.-12.

... Respondents

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Counsel for the Applicant : Shri V.Venkateshwar Rao

Counsel for the Respondents : Shri D.F.Paul, SC for Rlys

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CORAM:

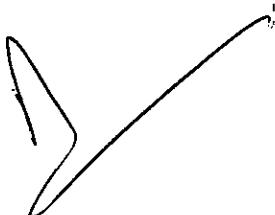
THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

Heard Shri V.Venkateshwar Rao, learned counsel for the applicant and Shri D.F.Paul, learned standing counsel for the respondents.

2. The name of the applicant did not find place in the Class-II panel dt.15-3-74. The applicant then filed the OA 196/88 on the file of this Bench. In that he submitted that two tier system of grading for formation of Class-II panel in the SC Railway had to be adopted in terms of the extant ~~OA 196/88~~ <sup>OA 196/88</sup> further amplified that the grading should consist of 'outstanding' and other than 'out standing'. The Railways issued the panel containing 3 tier gradings namely 'out standing' 'very good' and 'good' for the panel of 1974 in the Class-II Selection and that is violative of extant rules. The challenge to the 3 tier system in the OA 196/88 was rejected and that OA was dismissed as the applicant was not even otherwise eligible for empanelling him in the class-II panel by order dt.9-3-90 (Annexure R-I). Thus there is a clear finding that the adoption of 3 tier system is not illegal or irregular and that even the applicant was not eligible for empanelling on the facts of that case. Against this order in OA 196/88 he filed SLP bearing No.15435/90 on the file of the Apex Court. That SLP was also dismissed. The applicant submits that the SLP was dismissed without going into the merits of the case. Thereafter the applicant filed a memorandum to the President of India

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for reconsideration of his case. That memorandum was remitted back to the Railway Board for reconsideration. The Railway Board in its turn remitted it back to the Zonal Railway for examining the issue *denovo*. The Railways by letter No.94/PG/16/SC dt.14-2-94 (Annexure-12, page-16 of the OA) had upheld the earlier clarification furnished by the South Central Railway and it was informed to the applicant that there is no scope for examining the representation in the board.

3. Aggrieved by the above action he has filed the OA for setting aside the impugned order dt.14-2-94 and order u...-2-94 of Respondent No.3 and for a consequential direction to the respondents to include him in the Class-II panel published in the year 1974.

4. The main contention of the respondents in this O.A. is that the OA is hit by principles of *res-judicata* in that the very same relief was sought by the applicant challenging the 3 tier system as against 2 tier system for inclusion in 1974 Class-II panel and the same was dismissed by the Tribunal in OA 196/88 by holding that even if the 3 tier system is applicable he would not have got it and further holding that there was no violation of any rule or procedure on the part of the respondents.

5. The learned counsel for the applicant now submits that the supreme authority i.e. the President of India had directed the Railway Board to re-examine this issue and on that basis the issue was re-examined but his case was rejected.

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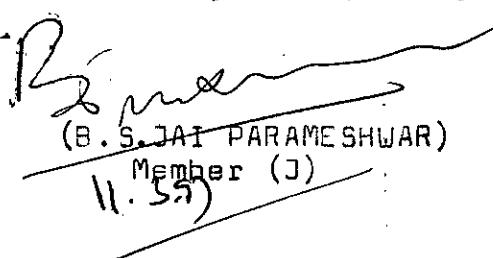
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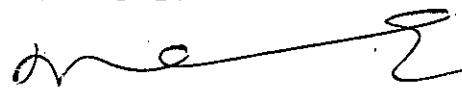
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Hence the filing of this O.A. cannot said to be hit by principles of resjudicata.

6. The verdict of the court is final. The Hon'ble President of India had directed only to re-examine the issue for reasons known to him. That shall not mean that the applicant can reagitate the same issue in this Tribunal on the basis of the reply given to him taking note of the memorandum addressed to President of India. If the Supreme Court had directed the Railway Board to re-examine the issue and on that basis the Railway Board had rejected the representation of the applicant, the applicant may have a case to say that this is not hit by principles of natural justice. In view of the above we are fully convinced that this OA is definitely hit by principles of resjudicata and the applicant cannot challenge the system of 3 tier grading and insist on adoption of 2 tier grading. Further in the OA 196/88 the merits of the case was also considered. Even if the respondents had resorted to 2 tier grading, the name of the applicant would not find a place in the panel. Hence the applicant has no case.

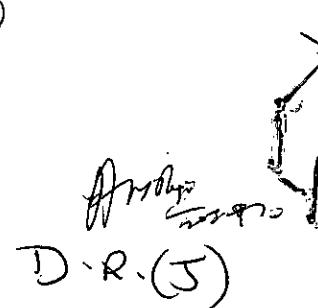
7. In view of what is stated above, the OA is dismissed as not maintainable. No order as to costs.

  
(B. S. JAI PARAMESHWAR)  
Member (J)

  
(R. RANGARAJAN)  
Member (A)

Dated: 11th March, 1997.  
Dictated in Open Court.

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D. R. (J)

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)  
AND  
THE HON'BLE SHRI B.S.JAI PARAMESHWAR:  
M(J)

ORDER/JUDGEMENT

R.A./C.P/M.A.No.

O.A.NO. 439/94 in

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALL MADE  
DISPOSED OF WITH DIRECTIONS  
DISMISSED ✓  
DISMISSED AS WITHDRAWN  
ORDERED/REJECTED  
NO ORDER AS TO COSTS.

II COURT

YLKR

