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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD.

O.A. NO.463 OF 1995
M.A.512 od 1995.

Date of Order- 23.02.1998.

BETWEEN :

T.G.MURTHY

... APPLICANT

AND

1. Senior Divisional Personnel Officer,
South Central Railway, Guntakal.

2. Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.

3. M. Ramana, Head Clerk,
O/o Sr.D.P.O.,South Central Railway,
Guntakal.

4. G. Kanaka Durgaiah, Head Clerk,
O/o Sr.Divisional Personnel Officer,
S.C. Railway, Guntakal. ... RESPONDENTS

Counsel for the applicant : M.E.S.Ramakrishna Rao

Counsel for the respondents 1 & 2: Mr. V.Rajeswara Rao,
for Mr.N.V.Ramana,CGSC

Counsel for respondent No.3 : None

Counsel for the respondent No:4Mr.G.V.Subba Rao.

CORAM :

Honourable Mr. R. Rangarajan, Member(Administrative)

Honourable Mr.B.S.Jai Parameshwar, Member(Judicial).

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ORAL ORDER.

(Per Hon.Mr. R.Rangarajan, Member (Admn.))

1. Heard Sri S. Ramakrishna Rao for the applicant, Sri V. Rajeswara Rao for Mr. N.V.Ramana for the official respondents and Sri G.V.Subba Rao for the

Respondent No.3, neither his counsel nor himself was present. The respondent No.3 was called absent.

2. M.A.No.512/95 has been filed in this O.A. seeking permission to file an additional affidavit. It appears from the relief that the applicant wants to be placed below Sri G. Kanaka Durgaiah but above Sri M.Ramana,respondent No.3 and Sri Balakesava Rao. Sri Balakesava Rao has not been impleaded as a private

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respondent in this O.A. Further the cursory discussion indicates that the applicant wants to supersede some of the O.C. candidates in this connection. The O.A. has been filed in the year 1995. At this late stage after 3 years, it will be difficult to admit this M.A. for filing additional material as that will delay the proceedings of this case badly. Moreover, the relief in this O.A. is not properly connected with due plea for granting the relief. Hence the learned counsel for the applicant submits that he will file a comprehensive O.A. for the same relief asked for and that O.A. may be heard after filing of the necessary replies by the connected respondents.

3. The learned counsel for the official respondents submits that he has no objection to the filing of the fresh O.A. but he will take the plea of res judicata in his reply, if necessary, in the proposed fresh O.A. When a liberty is given for filing a fresh O.A. for the same relief, it may not be possible to concede to the request of the official respondents to take the plea of res judicata. However, this point will be considered if such a plea is taken at the time of hearing of the fresh O.A.

4. The learned counsel for Respondent No.4 unreservedly accepted the submission made by the learned counsel for the applicant to file a fresh O.A. for the same relief duly connecting the necessary parties and details.

5. In view of the above submissions of the learned counsels for the parties, we are of the opinion that the O.A. may be disposed of as withdrawn giving permission to the applicant to file a fresh O.A. for the same cause duly impleading the necessary parties.

6. In the result, the O.A. is disposed of as withdrawn subject to the liberty being given as above.

M.A. also stands disposed of accordingly.


(B.S. Jai Parameshwar)

Member (Judicial)

23.2.98


(R. Rangarajan)

Member (Administrative)

Dated the 23rd February, 1998.

Dictated in the Open Court.