

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.798/99

DATE OF ORDER : 26.11.1999.

Between :-

Smt.A.S.Mariyamma

...Applicant

And

1. The Director, South Central Circle,
Survey of India, Uppal, Hyderabad.
2. The Superintending Surveyor,
South Central Circle, Survey of India,
Uppal, Hyderabad.
3. Officer Surveyor, South Central Circle,
Survey of India, Uppal, Hyderabad.

...Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri B.N.Sarma, Sr.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

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...2.

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(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

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After hearing Sri S.Ramakrishna Rao, learned counsel for the applicant and Sri M.C.Jacob for Sri B.Narasimha Sarma, learned Standing Counsel for the Respondents, it is revealed that the relief which the applicant had^{to} claimed in para-8 of the present O.A. is the same as the one which was claimed by the applicant in earlier O.A.No.542/95 which has already been disposed of by an order dated 3-6-1997. It would therefore prima-facie appear that the present OA is not maintainable mainly on account of the fact that the bar of resjudicata may come in the way of the applicant.

2. In view of the above, the learned counsel Sri S.Ramakrishna Rao for the applicant makes a statement that the applicant does not press this OA and that the OA could be disposed of with such direction. However, according to Sri S.Ramakrishna Rao, the applicant was threatened that she would be given break^{to}s in service which according to Sri S.Ramakrishna Rao^{was} not in accordance with the rules applicable to the regularisation. Sri S.Ramakrishna Rao^{also} urges^{that} then the right of the applicant to move the Tribunal for suitable orders if and when unlawful breaks are given should not be treated as having been taken away in view of the fact that this OA is not pressed.

3. In my opinion if any such threat is given which is not in accordance with^{to} the law and rules applicable to the facts of the case would constitute a fresh cause of action and therefore the applicant's right to challenge the situation emerging such fresh

cause of action cannot be curtailed or prejudice in any manner.

It is therefore not in order for the applicant to ^{ask} ~~press~~ for any ^{for abundant caution, this OA is disposed of} such relief in the present OA. However, without prejudice to her right to move the Tribunal if any such fresh cause of action ~~arose~~, ^{arises}.

4. This OA is therefore dismissed as not pressed; however, without prejudice to the applicant's claim to ^{move} the Tribunal for suitable orders if breaks are sought to be given to the applicant in violation of rules.

5. No order as to costs.

D.H. Nasir
(D.H. NASIR)
Vice-Chairman

Dated: 26th November, 1999.
Dictated in Open Court.

Amir

avl/

COPY TO :-

1. HDHND ✓

2. HRRN M (A)

3. HBSJP M (J)

4. D.R. (A) ✓

5. SPARE ✓

6. ADVOCATE ✓

7. STANDING COUNSEL

1ST AND 11 NO COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN ✓

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESWAR :
MEMBER (JUDL)

* * *

DATE OF ORDER: 28/11/99

MA/RA/CP.NO.

IN

OA. No. 798/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

CA CLOSED

DISPOSED OF WITH DIRECTIONS

~~DISMISSED~~

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
प्रेषण / DESPATCH

-7 DEC 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH