

**Central Administrative Tribunal**  
**Jabalpur Bench**

**OA No 723/05**

Quarior, this the 13<sup>th</sup> day of September, 2005.

**C O R A M**

**Hon'ble Mr. M. P. Singh, Vice Chairman**

**Hon'ble Mr. Madan Mohan, Judicial Member**

Ambuj Kumar  
Son of Shri Bishnudeo  
Working as Artisan Mason Gr. III  
S.S.E. (P. Way), Central Railway  
Burhanpur (MP)

Applicant

(By advocate Shri Prashant Singh)

Versus

1. The Union of India through  
General Manager  
Central Railway  
Mumbai (CST).
2. The Divisional Railway Manager  
Central Railway  
Bhusawal.
3. The Section Engineer  
P. Way  
Central Railway  
Burhanpur (MP).

Respondents.

**O R D E R**

**By Madan Mohan, Judicial Member**

By filing this OA, the applicant has sought the following reliefs:

- (i) Direct the respondents to take into consideration the representation Annexure A1 made by the applicant for changing of post from Mason Grade III to Supervisor of Mason, TTE or other similar post.



2. We have perused the order dated 1<sup>st</sup> July 2003 passed in OA No.240, 242 and 245 of 2003 in which the present applicant was a party in OA No.242/03. The Tribunal has considered each and every aspects and contentions of the present applicant while passing the aforesaid order dated 1<sup>st</sup> July 2003. Learned counsel for the applicant argued that there are certain new facts in the present OA but he could not point out any new facts. The operative portion of the aforesaid order reads as under:

"If the applicants had any grievance against the medical report, it was open to them to apply within one month as provided in Para 522 of the Medical Manual. All the three applicants have no cause in the year 2003 after joining the post of Mason in the year 2001. The appeal could have been entertained within one month as provided in Para 522 of the said Manual and that period expired in 2001. Besides this, there is no evidence to show that there is any possibility of error in the decision of the first medical authority. The amendment cannot be allowed and the relief claimed in the OA is also without merit. When appointment as Mason was given it was open for the applicants not to accept the offer. Once they have joined the post they cannot come to the Tribunal asking higher post for which they were found medically unfit.

In view of the discussion made above, all the three OAs are dismissed at the admission stage itself."

3. We have perused the contentions of the applicant in the present OA. Apparently the present OA seems to be barred by the principle of res judicata, in view of the order of the Tribunal dated 1<sup>st</sup> July 2003. Hence this OA is not maintainable and is dismissed. No costs.

(Madan Mohan)  
Judicial member

(M.P.Singh)  
Vice Chairman

aa.

पृष्ठान्कन सं ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि वाटें सित:-

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) आवेदक श्री/.....के काउंसल
- (3) प्रत्यक्षी श्री/.....के काउंसल
- (4) कार्यवाही, दफ्तर, जलपिठ

सूचना एवं आवेदक को सूचित हेतु

उप रजिस्ट्रार

20-9-05

1488  
21-9-05

Shri Prashant Singh HCTM