

Central Administrative Tribunal
Jabalpur Bench

OA No723/05

Guwaliya, this the 13th 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.



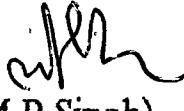
2. We have perused the order dated 1st July 2003 passed in OA No.240, 242 and 245 of 2003 in which the present applicant was a party in OA No.242/03. The Tribunal has considered each and every aspects and contentions of the present applicant while passing the aforesaid order dated 1st July 2003. Learned 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 1st July 2003. Hence this OA is not maintainable and is dismissed. No costs.


(Madan Mohan)
Judicial member


(M.P. Singh)
Vice Chairman

aa.

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि नामे दिनाः—
(1) सचिव, उच्च व्यापार विभाग, जबलपुर
(2) आदेक श्री/.....के ताउरसल
(3) प्रत्यक्षी श्री/.....के काउरसल
(4) विवाहाल, को/.....कायमीत
सूचना एवं आदेक विवाही देतु

उप रजिस्ट्रार

20-9-05

21-9-05

Shri Prashant Singh HCJ/2