

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
(CIRCUIT SITTING AT INDORE)

...

Original Application No. 222 /2004

Indore, this the 12th day of April, 2004

HON'BLE SHRI M.P. SINGH, VICE CHAIRMAN
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

Kanhaiyalal Panchal,
Retd.Asstt. Station Master,
Western Railway, Indore (MP)

133/A, Erij Vihar Colony,
Sudama Nagar,
Indore.

...Applicant

(By Advocate: Shri A.N.Bhatt)

-versus-

1. The General Manager,
Western Railway,
Churchgate,
Mumbai - 20.
2. The Divisional Rail/Manager,
Western Railway,
Divisional Office,
Ratlam.

...Respondents

(By Advocate: None)

O R D E R (ORAL)

By Shri M.P.Singh, Vice Chairman:

By filing this O.A. the applicant has sought the following relief reliefs:

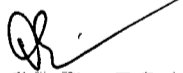
- i) The respondents be directed to consider the applicant as promoted alongwith his juniors who were also promoted with him in the same office order through which the applicant was promoted earlier.
- ii) Seniority of the applicant which was assigned between S/Shri R.C.Gupta and R.C. Saigal should be directed to be restored again in promotional grade of Rs. 425-640(R).
- iii) The respondent no. 2 be directed to issue further promotion orders in higher grade at par to his juniors.



- iv) The respondents be ordered to arrange pay fixation on promotion and payment of pay, allowances and other such consequential benefits as allowed with these promotions with 18% interest per annum ~~xxxx~~ till the date of payment, of all the dues.
- v) Due to revision of pay fixation the pensionary benefits may also be revised.

2. The main relief of the applicant sought in this O.A. is to consider his case for promotion to the post of Assistant Station Master with reference to his junior, namely, Shri R.C. Saigal. It is noticed that the applicant had earlier filed an OA No. 135 of 1992 claiming the same relief i.e. promotion to the post of Assistant Station Master w.e.f. 29.7.1977. The said O.A. was decided by the Tribunal on merit by passing an order dated 4.2.1997.

3. Since the relief claimed by the applicant in the present O.A. has already been considered by the Tribunal in an earlier O.A. No. 135/1992 on merit, the same cannot again be re-considered as this Tribunal is not the appellate court to re-adjudicate the matter which had already been adjudicated by the Bench of this Tribunal earlier in 1997. Therefore, this O.A. is hit by the principle of res-judicata and is not maintainable. Accordingly, the O.A. is dismissed as non-maintainable.


(Madan Mohan)
Member (J)


(M.P. Singh)
Vice Chairman

/na/

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

पंजीकृत/अपंजीकृत

(1) सहायक प्रमुख, जबलपुर

(2) अध्यक्ष, जबलपुर

(3) प्रत्यक्ष प्रमुख, जबलपुर

(4) अध्यक्ष, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप अधिकारी

Filed
ms
20/4/09

AN Bhatt

