

OA.No.170/00874/2017/CAT/Bangalore Bench
**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00874/2017

DATED THIS THE 24th DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V.SANKAR, MEMBER (A)

Sri V.V.Balan, Aged 85 yrs
S/o Late V.L.Vedarama Iyer
75-Muddappa Road Cross
MS.Nagar, Bangalore-560033.

...Applicant

(Party-in-person)

Vs.

1. The Secretary
Department of Posts
Dak Bhavan
New Delhi-110 001.

2. The Chief Postmaster General
Karnataka Circle
Bangalore-560 001.

...Respondents

(By Advocate Shri V.N.Holla)

O R D E R (ORAL)

(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.))

Applicant claims that he had worked in a particular post which was upgraded on 01.08.1988. Thereafter he had worked in the upgraded post till 08.05.1989 when he superannuated. His claim is that he must be granted appropriate benefit of this period. He relied on the Supreme Court judgments. Without any doubt he is correct.

2. The respondents, on the other hand, pointed out the rules of sit back. The applicant has waited all these years. Therefore, his cause has become diminished by limitation. This ground probably may not lie as monetary loss

sustained by him when discovered can be recovered at that point of time. This limitation is not attracted.

3. The respondents has one more case. The matter is covered in its entirety by the order of this Tribunal in OA.No.397/2006 dtd.13.03.2007 which is an exactly identical matter. Shri Balan tried to persuade us. There is a distinction between the claim in that case and in the present case. In that he claimed for promotion and in this he is claiming the benefits of promotion only. But then the rule of resjudicata hits. Under Section 11 of CPC anything which had been the subject matter of an earlier or could have been the subject matter of the earlier issue will be covered by the resjudicata. That being so, the promotion and its consequences also form a substratum of the earlier case. And therefore this matter is hit by resjudicata. So with regret, we can only dismiss the application. The OA is dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexures referred to by the applicant in OA.No.170/00874/2017

Annexure-A1: Letter dtd.26.10.2017
Annexure-A2: Representation dtd.1.7.2005
Annexure-A3: orders dtd.13.10.1992
Annexure-A4: Judgment dtd.14.6.2006
Annexure-A5: Memo dtd.13.9.2006
Annexure-A6: Reference to Dte. dtd.20.3.2006
Annexure-A7: Representation dtd.6.9.2017
Annexure-A8: Apex Court order in CA.No.1542/2011

Annexures with reply statement:

Annexure-R1: Order in OA.397/2006

Annexures with rejoinder:

-NIL-
