

## **Central Administrative Tribunal Madras Bench**

**CP/310/00054/2019 in OA/310/00892/2007**

**Dated the 19<sup>th</sup> day of August Two Thousand Nineteen**

## P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)  
&  
Hon'ble Mr.T.Jacob, Member(A)**

K.V.Venkatachalam  
S/o K.S.Varadharajan,  
5/530, Postal Colony,  
Phase-II,  
Perur Chettipalayam,  
Perur, Coimbatore 641010. .. Applicant/Applicant

## Party-in-person

Vs.

Shri M.Sampath,  
TheChief Post Master General,  
Tamil Nadu Circle,  
Chennai 600 002. .. Respondent/Respondent

By Advocete Mr.M.Kishore Kumar-SPC

**ORDER**

Pronounced by Hon'ble Mr.P.Madhavan, Member(J)

This CA has been filed by the applicant in OA 892/2007 against the respondents alleging wilful disobedience of the order passed by this Tribunal in OA 892/2007 dated 07.5.2009.

2. The applicant had filed the OA seeking promotion to the post of HSG-I. This Tribunal allowed the OA by order dated 07.5.2009 with a direction to the respondents to consider the claim of the applicant for promotion to LSG Grade on notional basis from the date of promotion of his junior in the Circle Gradation List to that post and consider him for further promotions based on this seniority, if he is otherwise eligible.

3. In this backdrop, the applicant in the above OA had earlier filed CA 1/2018 against the respondents for alleged non-compliance of the order of this Tribunal dated 07.5.2009. The said CA was closed by order dated 07.6.2018 on the basis of the submission made by the respondents that a consideration was given to the applicant in accordance with the order of this Tribunal in the OA and his claim was rejected.

4. Now, the applicant has again filed the present CA on the ground that the respondents has not obeyed the direction of this Tribunal dated 07.5.2009.

5. Today, when the matter is taken up, Mr.M.Kishore Kumar, SPC, appearing for the respondent submits that as per the direction of the Tribunal, the respondent had considered the matter in detail and passed a speaking order. Thus, the earlier CA 1/2018 was closed as the order was substantially complied with. Now the applicant

has again filed this CA raising the objection that the respondents has not fully considered the claim, which is not maintainable and accordingly the CP be dismissed.

6. We have heard the counsel for the applicant and the counsel for the respondent and perused the order in CP 1/2018. On a perusal, it is seen that the said CP 1/18 was closed by this Tribunal on 07.6.2018 recording the compliance of the order of this Tribunal dated 07.5.2009 by the respondents. In the said circumstances, the second CP filed by the applicant is not maintainable as there arises a fresh cause of action for which the applicant has to file a separate OA. If the applicant is not satisfied and is still aggrieved, he can file a separate OA, if so advised.

7. For the aforesaid reasons, the CA filed by the applicant is not maintainable and it is liable to be rejected. Accordingly the CA is rejected as not maintainable. Notices of contempt, if any, are discharged.

(T.Jacob)  
Member(A)

19.08.2019

(P.Madhavan)  
Member(J)

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