

**Court No. - 1**

**Case :-** WRIT - A No. - 8146 of 2023

**Petitioner :-** Chandra Prakash

**Respondent :-** Union Of India Thru.Secy.Ministry  
Communication,Post And Telecommunication, New  
Delhi And Others

**Counsel for Petitioner :-** Dharmesh Sinha

**Counsel for Respondent :-** A.S.G.I.

**Hon'ble Attau Rahman Masoodi,J.**

**Hon'ble Om Prakash Shukla,J.**

1. Heard learned counsel for the petitioner and Sri Anand Dwivedi learned counsel who has put in appearance on behalf of the respondents.

2. This writ petition has arisen out of the judgment/order passed by the Central Administrative Tribunal, Lucknow in Original Application No. 210 of 2011 on 21.8.2023 whereby the benefits claimed by the petitioner have been restricted to the relief which was previously granted in Original Application No. 589 of 1994 on 21.2.2002. The relief granted in the previous O.A. is reproduced below :-

*"In view of the discussions made above, we are of the view that the respondents' case that the applicant canceled his higher educational qualification, has no merit. The O.A. is allowed. The respondents are directed to appoint the applicant to the post of Peon if any vacant and if no post of Peon is vacant, immediately appoint the applicant in the first vacancy on the terms and conditions as per rules. It is further provided that the applicant would be entitled to salary and other benefit if any from the date he takes over charge. Costs easy".*

3. The tribunal while adjudicating upon the relief sought in the subsequent O.A. has decided the O.A. in terms of the relief granted earlier. Undisputedly the earlier order passed by the tribunal has attained finality.

4. It is the own case of the petitioner that he joined the post pursuant to the aforesaid order in the year 2002.

5. Thus, once the admitted case of the petitioner is that he has joined the post on the aforesaid date,

no further relief could be claimed contrary to what had settled in terms of the judgment/order dated 21.2.2002

6. On a Careful consideration of the judgment/order impugned in the writ petition, we do not find any infirmity in the order assailed before this Court. Thus, the interference under Article 226 of the Constitution of India is uncalled for.

7. The writ petition is accordingly dismissed.

**Order Date :- 16.11.2023**

kanhaiya