

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K. SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

OP (CAT).No. 167 of 2015 (Z)

AGAINST THE ORDER IN O.A 520/2014 of CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH DATED 18.06.2015.

PETITIONER/APPLICANT:

P. RAGHAVAPODUVAL, AGED 66 YEARS,
S/O. V. AMBU PODUVAL, CHIEF ACCOUNTS OFFICER (RETD),
BSNL, PACKATH HOUSE, 'PRASADAM',
KANATHIL ROAD, POST BALLA - 671 531, KANHANGAD,
KASARGOD DISTRICT.

BY ADVS. SRI. C. S. GOPALAKRISHNAN NAIR
SMT. CHANDINI G. NAIR

RESPONDENTS/RESPONDENTS:

1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF COMMUNICATION & I.T.,
DEPARTMENT OF TELECOM, NEW DELHI - 110 001.
2. CHAIRMAN & MANAGING DIRECTOR,
BHARATH SANCHAR NIGAM LTD., BARAKHAMPA ROAD,
NEW DELHI - 110 001.
3. THE CHIEF GENERAL MANAGER,
KERALA TELECOM CIRCLE, BSNL,
THIRUVANANTHAPURAM - 695 033.
4. GENERAL MANAGER,
BSNL TELECOM DISTRICT, KANNUR - 670 002.

BY SRI. N. NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 20-10-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

OP (CAT).No. 167 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 - PHOTOCOPY OF ORIGINAL APPLICATION NO. 520/2014.

EXHIBIT P2 - PHOTOCOPY OF THE REPLY STATEMENT.

EXHIBIT P3 - PHOTOCOPY OF THE REPLY STATEMENT FILED ON BEHALF OF
RESPONDENTS 2 TO 4.

EXHIBIT P4- PHOTOCOPY OF THE ORDER DATED 18.06.2015 IN O.A.NO.520/2014.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

O.P.(CAT) No.167 of 2015

Dated this the 20th day of October, 2015

JUDGMENT

Surendra Mohan, J.

The petitioner in O.A.No.520 of 2014 of the Central Administrative Tribunal (for short, "CAT"), Ernakulam Bench has filed this Original Petition aggrieved by Ext.P4 order of the CAT, dismissing the Original Application. The CAT has found as per Ext.P4, that the attempt of the petitioner was to re-agitate the very same grievance that he had agitated in O.A.No.105 of 2011, which was allowed by the CAT, earlier. Therefore, the present Original Application has been dismissed.

2. Annexure-A12 that forms part of Ext.P1 is the order of the CAT in O.A.No.105 of 2011. The reliefs sought for by the petitioner in the earlier O.A. have been extracted in paragraph 1 of the said order. A comparison of the said reliefs with the reliefs in the present O.A. shows that, the reliefs are substantially the same. The claim of the petitioner has been adjudicated by the CAT in Annexure-A12 order and allowed, granting him ad hoc promotion with effect from 11.04.2000 at

par with his juniors and time bound upgradation from 01.10.2004 on notional basis without arrears of pay. The remedy of the petitioner in the circumstances, is to seek implementation of the directions in Annexure-A12. Therefore, we do not find any grounds to entertain this Original Petition or to grant any of the reliefs sought for. The petitioner may file a petition for implementation of the directions in Annexure-A12, if he has a complaint that they have not been complied with.

3. This Original Petition is accordingly dismissed, but without prejudice to the rights of the petitioner to file a separate petition for implementing the directions contained in Annexure-A12 order.

Sd/-

**K. SURENDRA MOHAN
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-

20.10.2015