

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

OP(KAT).No. 369 of 2015 (Z)

AGAINST THE ORDER IN O.A 1857/2015 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 28-10-2015

PETITIONER/APPLICANT:

R. SUDHHAKUMARI
HEAD OF SECTION (REIRED)
IN COMPUTER APPLICATION AND BUSINESS MANAGEMENT (CAMB),
GOVT POLYTECHNIC COLLEGE,
PERUMPAZHUTHOOR, NEYYATTINKARA, 696 126
RESIDING @ A-3/1, MYTHRINAGAR RESIDENTS WELFARE
ASSOCIATION, VALIYAVILA, THIRUMALA P.O.,
THIRUVANANTHAPURAM 695 006.

BY ADVS.SRI.S. MOHAN KUMAR
SRI.B.PRASANATH
SRI.A.PANKIRAS
SRI.V.VINISH

RESPONDENTS/RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
2. THE DIRECTOR
DIRECTORATE OF TECHNICAL EDUCATION
PADMAVILASOM ROAD, FORT,
THIRUVANANTHAPURAM 695 024.

BY GOVERNMENT PLEADER SMT.REKHA VASUDEVAN

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(KAT).No. 369 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: TRUE COPY OF THE ORIGINAL APPLICATION NO.1857/15
DT:16/10/2015 WITH ANNEXURES A1 TO A18.

P2: TRUE COPY OF ORDERS OF THE KAT IN OA. NO.1857/2015
DT. 28/10/2015

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

smv

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

O.P.(KAT) No.369 of 2015

Dated this the 16th day of December, 2015

JUDGMENT

Surendra Mohan,J.

This Original Petition is filed by the petitioner challenging the order dated 28.10.2015 of the Kerala Administrative Tribunal ('KAT' for short) in O.A No.1857 of 2015, dismissing the same. The petitioner had approached the KAT seeking notional promotion with retrospective effect from the date on which a vacancy of Head of Section arose in the year 2001. The case of the petitioner was that, she was qualified to be promoted to the said post, at that time. However, due to no fault of hers, the said promotion had not been granted to her. She has retired on 31.3.2014. Therefore, declaration of her probation in the said post was also sought for. Her pay and other allowances for the period upto her retirement was another relief, that was sought.

2. The KAT has found that, the petitioner had earlier

challenged the very same Government Order in O.A. No.1871 of 2014 before it. The said Original Application was dismissed after considering the petitioner's claim on the merits by Order dated 30.09.2014 produced as Annexure A14, forming part of Ext.P1. It is not in dispute that Annexure A14 has become final. The contention of the petitioner before the KAT was that, she was challenging the very same Government Order, since she was urging fresh, additional grounds. The KAT has dismissed the Original Application holding that the petitioner was not entitled to re-agitate the challenge against the Government Order negated by Annexure A14 order that has become final.

3. We have heard the counsel appearing for the petitioner. It cannot be denied that, the petitioner had approached the KAT earlier and has suffered Annexure A14 order which has become final. Having suffered Annexure A14, it was not open to the petitioner to challenge the very same order by filing another Original Application No.1857 of 2015. Therefore, the Tribunal was fully justified in dismissing the Original Application. We find no grounds to entertain this Original Petition for the above

reasons. The same is therefore, dismissed in limine.

Sd/-
K. SURENDRA MOHAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
17.12.2015