

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.38778 OF 2012

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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This Writ Petition is preferred against the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.8099 of 2007 dated 17.08.2010.

The petitioner herein is the applicant in the O.A. He filed the said O.A. to call for records pertaining to his service, and to direct the respondents to pay Rs.3,87,794/- allegedly due to him because of wrong fixation of his pay. The petitioner's claim is on the basis that he ought to have been promoted in 1978, but he was promoted only with effect from 24.07.1980.

In the order, under challenge in this Writ Petition, the Tribunal noted that the petitioner had earlier filed O.A.No.3657 of 2002 assailing the Government Memo dated 26.07.2001 rejecting his request for promotion from 01.06.1978; the said O.A. was dismissed by the Tribunal by its order dated 13.09.2006 on the ground of inordinate delay; that order has attained finality; the petitioner wanted to get over the judgment by stating that certain facts were not brought to the notice of the Tribunal earlier; this is not a ground to file a second O.A; the O.A. is frivolous and is not maintainable, as the basis for the relief prayed was already rejected by the Tribunal in O.A.No.3657 of 2002.

Before this Court Smt.P.Lakshmi, Learned Counsel for the petitioner, would reiterate the very same contentions urged before the Tribunal. Learned Counsel would submit that certain facts could not be brought to the notice of the Tribunal earlier when O.A.No.3657 of 2002 was filed; and it is in such circumstances that O.A.No.8099 of 2007 was filed.

These facts were to the knowledge of the petitioners and ought to have been stated in the earlier O.A.No.3657 of 2002. Having suffered an order, of O.A.No.3657 of 2002 being dismissed, and the said order having been permitted to attain finality, it is not open to the petitioner to file a second O.A. for self-same relief, albeit on the specious plea that certain facts were not brought to the notice of the Tribunal in the earlier O.A.

The Writ Petition as filed is wholly misconceived and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

RAMESH RANGANATHAN, J

M. SATYANARAYANA MURTHY, J

Date:19.03.2015.

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