

Central Administrative Tribunal
Principal Bench

O.A. No. 25 of 1998

New Delhi, dated this the 6th DECEMBER, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri M.M. Gupta,
S/o late Shri Basheshwar Nath,
Retd. Sr. Accounts Officer,
Principal Accounts Office,
Ministry of Power,
R/o 629, Sector 31, Faridabad,
Haryana.

.. Applicant

(By Advocate: Shri T.C. Aggarwal)

Versus

1. Union of India through
the Controller General of Accounts,
Ministry of Finance,
Dept. of Expenditure,
Lok Nayak Bhawan, Khan Market,
New Delhi-110003.

2. The Controller of Accounts,
Principal Accounts Office,
Ministry of Power, 8th Floor,
South Wing, Sewa Bhawan,
R.K. Puram,
New Delhi-110066.

.. Respondents

(By Advocate: Shri Madhav Panikar)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' letter dated 10.1.97 (Annexure II) and seeks fixation of his pay as Junior Accounts Officer (Selection Grade) and then stepping up of his pay with reference to the pay of one Shri P.C. Sud.

2. Heard both sides.

3. There is no denial by applicant in his rejoinder to the specific averment of respondents in

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Para 8 of their reply to the O.A. that in an earlier O.A. bearing No. 719/91 he had claimed stepping up of pay with reference to pay of one Shri R.K. Sharma. O.A. No. 719/91 was allowed by order dated 18.4.94. Applicant could and ought to have raised the claim for stepping up of pay with reference to pay of Shri P.C. Sud in O.A. No. 719/91.

4. Under the circumstances, this claim in the present O.A. is squarely hit by constructive Res Judicata under Section 11 Explanation IV CPC as also under Order 2 Rule 2 C.P.C. We are supported in our conclusion by the Hon'ble Supreme Court's ruling in Commissioner of Income Tax, Bombay Vs. T.P. Kumaran ATJ 1996 (2) Page 665.

5. The O.A. is, therefore, dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

'gk'