

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH  
NEW DELHI

O.A. No. 448/96 Date of decision 20-9-95

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh. G.S. Misra  
Retd. PGT  
Govt. Sr. Sec. School Motibagh-I,  
New Delhi  
R/O 8-1/B-34,  
Janakpuri,  
New Delhi-58

... Applicant  
(By Advocate Shri K.N.R. Pillay )

Vs.

1. Govt. of NCT of Delhi  
through  
The Director of Education,  
Old. Secretariat, Delhi-6
2. The Principal Accounts Officer, Delhi  
Govt. Mori Gate, Delhi.
3. Union of India  
through the Secretary,  
Dept. of Personnel & Training,  
New Delhi.

... Respondents  
(By Advocate Ms Jyotsna Kaushik through  
proxy counsel Sh. Ajesh Luthra)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This application has been filed by the applicant under Section 19 of the Administrative Tribunals Act., 1985. The grievance of the applicant is that respondents have failed to agree to his submission made in his representation dated 8.12.1995 (Ann. A.III) and to give proper reasoned reply as directed by the Hon'ble Tribunal in OA 2129/94 decided on 27.11.1995.

2. In this case, the applicant has impugned the order dated 11.8.94 which is a letter from the respondent No.2 addressed to Principal, Govt. Boys Sr. Secondary School, Moti Bagh-I, New Delhi to take a decision regarding re-fixation of the applicant's pay in accordance

with the Govt. of India decision dated 9.6.94 and the same order had been impugned by the applicant in his earlier OA 2129/94 which was disposed of with the following directions:-

"In the light of the matter, I find that it will suffice if a suitable direction is given to the applicant to submit a representation to the next higher authority for proper fixation of pay in accordance with rules within a period of one week from the date of receipt of a copy of this order. I accordingly direct the applicant to do so. I also direct the competent authority to finally dispose of the representation within a period of one month after receipt of the representation, by a proper speaking order. If the applicant is still aggrieved by the decision of the competent authority, he can again seek remedy by approaching this Tribunal."

Learned counsel for the applicant submit that since the directions given by the Tribunal in OA 2129/94 have not been complied with by the respondents, namely, giving reasoned decision to his representation made on 8.12.95, this is a fresh cause of action. This is, however, disputed by the learned counsel for the respondents.

3. From a perusal of the pleadings in this case and the judgment in OA 2129/94, it is clear that the main relief, and issues are the same. It is also noticed that same respondents 1-2 were also impleaded, and in this case respondent No.3 has been added, namely, UOI through the Secretary, Department of Personnel and Training. The applicant submits that his representation dated 8.12.1995 has been made to Respondent No.3, in accordance with the directions given in OA 2129/94. The

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applicant is aggrieved that the respondents have given no reply to the representation. If that is so, the remedy does not lie in filing a similar O.A. on the same issues as has been done in this case.

4. Therefore, having regard to the facts and circumstances of this case and the principles of res judicata this O.A is not maintainable. It is accordingly dismissed on this ground alone, leaving it open to the applicant <sup>to</sup> pursue such remedies, as he may be advised, in accordance with law.

5. O.A. is disposed of as above. No order as to costs.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)

Member (J)

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