

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.750/97

New Delhi, this the 15th day of October, 2001

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

1. Naresh Kumar Baond
S/o Sh. Late sh. SSL Baond aged about 49 years
R/o L-116, Sarojini Nagar,
New Delhi-110023,
Presently working as Head Draughtsman
Directorate of Ship Production (NHCS)
and others as per the statement of Annexure A-8
2. Ramesh Dhyani
S/o Sh. Kesha Dhyani
ages about 40 years
R/o 2953/2 Street No.2
Ranjit Nagar,
New Delhi-10008
3. J.R. Bhardwaj
S/o Late Sh. Mangal Ram
R/o House no.21,
Block 'A'
Jagat Puri
Delhi-51
4. R.M Mishra
S/o Late Sh. G.M Mishra
R/o C-122, Sarojini Nagar
New Delhi-23
5. L.R Sahu
S/o Sh. U.N Sahu
R/o D-179, Tagore Garden Extn.
New Delhi-2
6. R.K. Sharma
S/o Sh. Deeplal Sharma
R/o S IV/223, R.K. Puram
New Delhi-22
7. Moh. Hasan Imam
S/o Late Sh. Moh. Gulam Rasool
R/o A 9/164, Gaharauli Extn.
Rajeev Colony
Delhi-96

8. V.S Rawat

S/o late Sh. H.S. Rawat

R/o AB-905, Sarojini Nagar,
New Delhi-23

9. U.K Biwas

S/o Sh. N.R. Biwas

R/o 193/H, Aram Bagh,
New Delhi-55

10. Mange Lal

S/o Sh. Nihal Singh

R/o B 5/17A
Sanwal Nagar,
New Delhi-49

11. Daya Kishan

S/o Sh. Mani Ram

R/o H.No. 633, Ward No. 1
Shanker Garden
Bahudur Garh,
Haryana

12. Sushil Chander

S/o Sh. Chaman Lal Sharma

R/o A-1/33 Near Hastal Road,
Uttam Nagar,
New Delhi-59

13. N.K. Bhatt

S/o Late Sh. C.D Bhatt,

R/o 67/8/ Sec.-I

M.B. Road.

New Delhi

14. Mrs. Sunila Dhawan

W/o Sh. Ashok Dhawan

R/o R-6/11

Rajender nagar

New Delhi

15. P.P Walia

S/o Dr. J.R. Ahluwalia

R/o 104-A Sector- IV

B.K.S Marg

New Delhi

16. B.K Sharma

S/o Sh. Dev Narayan

R/o 13/84, Dakshin Puri, New Delhi-62

17. T.R. Matta
S/o Sh. K.R. Matta,
R/o 1511/107, Tri Nagar,
New Delhi-35
18. A.K. Jain
S/o Lt. Sh. Shyam Lal Jain
R/o 15/20 New Govind Pura
New Delhi
19. K.B. Bhardwaj,
S/o Lt. Sh. R.S Bhardwaj
R/o F-179 Nauroji Nagar,
New Delhi-29
20. J.s. Rawat
S/o Sh. N.s. Rawat
R/o G-303, Nauroji Nagar,
New Delhi-29
21. Chs. Rao
S/o Sh. Sattruju,
R/o S-Vi/324A, R.k. Puram
New Delhi
22. Gain Singh Pushkar
S/o Lt. Sh. Nekse Ram Pushkar
R/o A-1/327A Hastal Road,
Uttam Nagar, New Delhi-59
23. Vipin Kumar
S/o Sh.M.L Phul
R/o A/41A, Dilshad Garden
Delhi
24. Vijay Kumar Sharma
S/o Lt. Sh. P.L. Sharma
R/o 148-B Vaishali, Near Dadri
New Delhi
25. T.K Dhang
S/o Kashi Ram Dhang
R/o J-Block Gali No. 2
West Sagar Pur,
New Delhi
26. D.r. Bhakru
S/o Sh. S.D. Bhakru,
R/o 11/19, Nehru Nagar,
New Delhi
27. C.B. Singh
S/o Sh. S.R. Singh
R/o S-9/538, R.K. Puram, New Delhi

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28. Satendra Nath
S/o Sh. T.N Dhar
R/o 1426 Lodhi Road Complex
New Delhi
29. Harinder Nath
S/o Lt. Sh. Hari Chand
R/o 18 C Supria Apt.
A-4, Paschim Vihar
New Delhi
30. P. Janardhanan
S/o Lt. Sh. A. Narayanan
R/o 940, Sec-3, Noida, U.P
31. T.S. Rawat
S/o Lt. Sh. B.S. Rawat
R/o 223 Sec-3, Sadiq Nagar,
Delhi
32. Darshan Kumar
S/o Sh. Dharm Chani
R/o 970 Joyoti Park, Gurgaon
Haryana
33. Onkar Sharma
S/o Lt. Sh. P.C. Sharma
R/o 578, Biswasan Vill.
New Delhi
34. Phateh Lal
S/o Sh. Moti Ram
R/o 20/101, Trilok Puri,
New Delhi
35. Balvinder Singh
R/o D1/34 Lodhi,
New Delhi
36. R.C Sharma
S/o Sh. Rajesh Sharma
R/o C-243, New Usman Pur,
New Delhi
37. Ram Krishan
S/o Sh. M. Ram Bhardwaj
R/o 301 Pkt. 6II, Sec-2, Rohni,
New Delhi

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38. PARMOD VERMA
S/O SH. J.K VERMA,
R/O F-460, VIKAS PURI
NEW DELHI
39. V.K. DHAYANI
S/O J.N DHAYANI
R/O B-355, SAROJINI NGR N.D. 23
40. PARDEEP KUMAR
S/O SH. BISHEMBER NATH
R/O 1157 SEC. 18, FARIDABAD
HARYANA.
41. P.P. SINGH
S/O SH. TEJ SINGH,
R/O D-73B, SEC15 NOIDA
42. SUBHASH PRASAD DHONDIAL
S/O SH. D.P. DHONDIAL,
R/O D2A/74B, JANAK PURI
43. MRS. KIRAN BALA CHADHA
W/O SH. A.K. CHADHA
R/O AB-71 SHALIMAR BAGH,
NEW DELHI
44. S. SUDHARKARAN
S/O SH. LT.SH. K.SIVARAMAN
R/O JG II/105-C VIKAS PURI
NEW DELHI
45. PM AVARACHAN
S/O P.V. MATHAI
R/O G 2308 NETAJI SUBHASH MARG,
NEW DELHI
46. SURINDER KUMAR
S/O SH. AMRIK LAL
R/O B-6/6265 DEV NAGAR
NEW DELHI
47. HARISH CHANDER
S/O SH. RAM LAL
R/O C332 SEC.5
AMBEDKAR NAGAR,
NEW DELHI
48. OM PRAKASH
S/O SH. PANOHIA RAM
R/O 16/832H BAPA NAGAR
KAROL BAGH,
NEW DELHI

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49. P.C. GARG
S/O SH. LAKHMI CHANI
R/O L-54B, DILSHAD GARDEN,
DELHI
50. S.N SAHA
S/O SH. RAJ BALLV SAHA
R/O B06 VASUNDRA ENCLAVE, 4/C
NEW DELHI
51. B.D. SHARMA
S/O LT. SH. R.D. SHARMA
R/O G-2288 NETAJI NAGAR
NEW DELHI
52. S.K. GUHANEogi
S/O LT. SH. GUHANEogi
R/O 58A MOTIA KHAN, NEW DELHI
53. O.P SHARMA
S/O SH. G.P SHARMA
R/O E8/427 NEHRU VIHAR,
DAYAL PUR,
NEW DELHI
54. PARITOSH BHARDWAJ
S/O LT. SH. B.M DHARDWAJ,
R/O C2D/87 A, JANAK PURI
NEW DELHI
55. A.K MALHOTRA
S/O SH. B.R. MALHOTRA
R/O 234, DDA FLATES (RPS)
SHEIKH SARAI PH-I,
NEW DELHI-
56. SMT. ASHA BHATIA
W/O SH. PRAKASH BHATIA
R/O A-2/141, PASCHIM VIHAR
NEW DELHI
57. RAMESH KUMAR
S/O SH. PREM MASIH
R/O V& PO SHAHABAD, MOHDPUR,
NEW DELHI
58. P.NALINASHAN
S/O SH.S. NARAYANAN ASAN
R/O C-1/274 JANTA FLAT,
HASTAL, UTTAM NAGAR,
NEW DELHI

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59. J.N BAH
S/O SH. K.C. BAH
R/O A-8, RAM DUTT ENCLAVE,
UTTAM NAGAR,
NEW DELHI
60. RAM CHARAN SINGH
S/O SH. NATAN LAL
R/O MEETHAPUR COLONEY
BADARPUR,
NEW DELHI
61. A.R. PATHAN
S/O SH. RASUL KHAN
R/O 52K SEC-4, GOEL MARKET,
NEW DELHI
62. MADAN GOPAL
S/O SH. FATEH SINGH
R/O 1497/5, PATEL NAGAR,
NEW DELHI
63. OM PRAKASH ARORA
S/O. SH. R.R. ARORA
R/O A-80 RAM DUTT ENCL.
UTTAM NAGAR,
NEW DELHI
64. DEV SAHAI
S/O SH. BHORE LAL
R/O H.NO.12 SANWAL NAGAR,
NEW DELHI
65. ANIL KUMAR BITHAR
S/O SH. T.N. BITHAR
R/O A-17/5 RANA PRATAP BAGH
NEW DELHI
66. M.S BHATT
S/O SH. G.S. BHATT
R/O QTR. NO.77 SEC-I
SADIQ NAGAR,
NEW DELHI
67. LEKH RAJ
S/O SH. PARATAP SINGH
R/O H-197, NANAK PURA,
NEW DELHI

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68. N.K. JOSHI
S/O SH. R.P JOSHI
R/O C-22, RAKSHA KUNJ, G-17
AREA, PACHIM VIHAR, N.D. 63
69. HARI LAL
S/O SH. LT. SH. RAM LAL
R/O B-1-C/56-B, JANAK PURI
NEW DELHI
70. PHOOL SINGH
S/O LT. SH. DHOLA SINGH
R/O V& PO SAHIBABAD
DISTT. GAZIABAD, UP
71. JAGIR SINGH
S/O LT. SH. BHAN SINGH
R/O E-45, OMP VIHAR UTTAM NAGAR,
NEW DELHI
72. HARI PRASAD
S/O SH. DEEP SINGH
R/O 336D J&K PKT. DILSHAD GRDN.
DELHI
73. OP GOEL
S/O SH. RADHEY SHYAM GOEL
R/O 1447, GALI NO ARYA SAMAJ BAZAR
SITA RAM, DELHI-8
74. S.K. VERMA
S/O SH. AMAR NATH VERMA
R/O GALI NO. 13/1435,
GOBIND PURI,
NEW DELHI
75. RAM KUMAR
S/O SH. KEWAL KISHAN
R/O 82, DUPLEX FLAT,
GURMANDI,
DELHI-77
76. RAMESH KUMAR
S/O SH. MUKAND LAL
R/O 1/7241, EAST GORAKH PARK
SHAHADRA,
DELHI-32
77. O.P CHAUDHARY
S/O SH. NIKKA RAM
R/O D-141,
SAROJINI NAGAR,
NEW DELHI

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NO

78. B.S. CHHAWRI
S/O LT. SH. BAULA RAM
R/O H-528, SARAJINI NAGAR,
NEW DELHI
79. PRAKASH CHAND
S/O SH. MAHLURAM CHOUDHARY
R/O 1036 SEC-7, M.B. RD.
PUSHP VIHAR,
NEW DELHI
80. A.K. DEEWAN
S/O LT. SH. RAMJI LAL
R/O 78D SEC-4 PUSHP VIHAR
NEW DELHI
81. HARI RAM
S/O LT. SH. CHATTAN SINGH
R/O E-58, MOTI BAGH,
NEW DELHI
82. S.P. SINGH
S/O SH. INDER SINGH
R/O 174/D-1 BASANT RD.
PAHAR GANJ,
NEW DELHI
83. NAND KISHOR
S/O SH. R.D. SHARMA
R/O 9/1180 GANDHI NAGAR
84. A.J. DHOLAKIA
S/O SH. J/M DHOLAKIA
R/O K1/13, HRISHNA PARK
EXTN. TILAK NAGAR,
NEW DELHI
85. G.D. PRADHAN
S/O SH. JATA PRADHAN
R/O 1/19, NANAK PURA
NEW DELHI

.....Applicants.

(BY Advocate: Shri A.K. Behra)
VERSUS

1 UNION OF INDIA & OTHERS.
Through the Secretary to the
Govt. of India Ministry of Defence
DHQ PO New Delhi-110011.

(X)

2. Chief of Naval Staff,
Naval Headquarters,
DHQ PO,
New Delhi-11

3. Director ,
Civilian Personnel,
Naval Headquarters,
DHQ PO,
New Delhi.

4. Secretary,
Ministry of Finance,
Deptt. of Expenditure,
North Block,
New Delhi-1

.....Respondents.

(By Advocate: Shri K.C.D. Gangwani)

ORDER

S.R. Adige, VC (A):

Applicants who are working as Head Draughtsmen (Rs. 1400-2300) in Naval Hq. New Delhi impugn respondents' OM dated 15.9.95 (Annexure-A-1) whereby the pay scale of Rs. 1400-2300 admissible for Sr. Draughtsmen has been upgraded to Rs. 1600-2660 and merged with the posts of Head Draughtsmen (Rs. 1600-2660). Applicants seek upgradation of their own scale to Rs. 2000-3200 w.e.f. 15.9.95 with all consequential benefits.

2. We note that the All India Naval Draughtsman's Association and another had filed OA No. 471/97 inter alia challenging the very same OM dated 15.9.95. That OA was dismissed by a Coordinate Division Bench of CAT PB vide its order dated 31.5.2001. RA No. 270/2001 seeking review of the aforesaid order dated 31.5.2001 was also dismissed by order dated 6.8.2001.

3. During the course of hearing respondents' counsel ^{President A.I.N.D.A's} handed over across the bar a copy of letter dated 14.7.97 addressed to Director, Directorate of Personnel, Naval Hq., New Delhi forwarding a list of members of All India Naval Draughtsmen Association. A perusal of that list shows that many of the names therein are applicants in the

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present OA. Applicants' counsel Shri Behra sought to deny this position during hearing, but prima facie we have no reason to doubt the correctness of this list and therefore hold that in the light of the Tribunal's order dated 31.5.2001 the present OA is squarely hit by the principles of Res Judicata.

4. Furthermore the present OA also suffers from non-joinder of proper and necessary parties, in as much as the persons who would be directly affected if the impugned order dated 15.9.95 were set aside, have not been impleaded as respondents even in a representative capacity. Shri Behra contended that as the impugned order dated 15.9.95 embodied a policy decision and no specific relief was claimed against any person, it was not necessary to implead them as respondents. He also sought to rely on certain rulings to this effect. We are unable to agree with these contentions and those rulings are not relevant to the facts and circumstances of this particular case. By the impugned order dated 15.9.95 persons in the pay scale of Rs.1400-2300 have been upgraded to Rs.1600-2660, and merged with the posts of Head Draughtsmen (Rs.1600-2660). If the aforesaid impugned order dated 15.9.95 were set aside, those persons would be directly affected and that too in respect of something that affects them vitally, namely their pay and allowances, without even giving them an opportunity of being heard, which would be clearly illegal and arbitrary. If it was difficult for applicants to implead all those likely to be appointed by the challenge to impugned order dated 15.9.95, it was open to applicants to have impleaded them at least in a representative capacity, but even that has not been done.

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5. Under the circumstances both on grounds of res-judicata as well as of non-joinder of proper and necessary parties, the OA is dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

/ug/