

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. Keshav 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. Deep Lal 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. 833, 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 87/8/ 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

3K

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

(35)

29. Harinder Nath
S/o Lt. Sh. Hari Chand
R/o 16 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. BII, Sec-2, Rohini,
New Delhi

3b

38. PARMOD VERMA
S/O SH. J.K. VERMA,
R/O F-480, 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. 16, 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-6/8265 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

49. P.C. GARG
S/O SH. LAKHMI CHANI
R/O L-54B, DILSHAD GARDEN,
DELHI

50. S.N SAHA
S/O SH. RAJ BALLY SAHA
R/O B08 VASUNDRA ENCLAVE, 4/C
NEW DELHI

51. B.D. SHARMA
S/O LT. SH. R.D. SHARMA
R/O G-2268 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/67 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.NALINASHA
S/O SH.S. NARAYANAN ASAN
R/O C-1/274 JANTA FLAT,
HASTAL, UTTAM NAGAR,
NEW DELHI

(X)
(b)

59. J.N BAHL
S/O SH. K.C. BAHL
R/O A-8, RAM DUTT ENCLAVE,
UTTAM NAGAR,
NEW DELHI

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33

60. RAM CHARAN SINGH
S/O SH. NATTAN 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

68. N.K. JOSHI
S/O SH. R.P. JOSHI
R/O C-22, RAKSHA KUNJ, G-17
AREA, PACHIM VIHAR, N.D. 63

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69. HARI LAL
S/O SH. LT. SH. RAM LAL
R/O B-1-C/58-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-6

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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78. B.S. CHHAWRI
S/O LT. SH. BAULA RAM
R/O H-528, SAROJINI NAGAR,
NEW DELHI

79. PRAKASH CHAND
S/O SH. MAHLURAM CHOURDHARY
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. DHALAKIA
S/O SH. J/M DHALAKIA
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.

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,
Dept. 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 Draughtsmen'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 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

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 atleast 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.Gadige
(S.R.GADIGE)
VICE CHAIRMAN (A).

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