

Central Administrative Tribunal
Principal Bench

O.A. No. 570 of 1994

New Delhi, dated this the 18th AUGUST 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. P.C. Kannan, Member (J)

1. Shri S.B. Verma,
S/o Shri D.S. Verma, Senior Pharmacists,
N. Rly., R/o 198-A1/Railway Colony,
Basant Lane, New Delhi.
2. Shri A.K. Singh,
S/o late Shri B.P. Singh,
Sr. Pharmacist,
109/4, Railway Colony,
Thomson Road,
New Delhi.
3. Shri V.P. Singh,
S/o Shri Magh Nath,
Sr. Pharmacist,
R/o 109 202/Bs, Railway Colony,
Basant Road,
New Delhi. Applicants

(By Advocate: Shri S.K. Sawhney)

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Medical Director,
Central Hospital,
Northern Railway,
Basant Lane, New Delhi.
3. Shri S.J. Bhadur,
Works Study Inspector,
Northern Railway,
Baroda House, New Delhi.
4. Shri Lal Singh Chandel,
Sr. Pharmacist,
Central Hospital, N.R.,
New Delhi.
5. Shri S.N. Srivastava,
Vigilance Inspector,
Northern Railway,
Baroda House, New Delhi.
6. Shri J.K. Mishra,
Pharmacist,
N.R. Health Unit,
Lajpat Nagar, New Delhi.

7. Shri R.P. Singh,
Pharmacist,
Central Hospital, N.R.

8. Shri M.I. Haque,
Pharmacist,
Central Hospital, N.R.,
New Delhi.

9. Ms. Sarita Bharadwaj,
Pharmacist,
Central Hospital Extn. Counter,
Rail Bhawan,
New Delhi. ... Respondents

(By Advocates: Shri B.S. Jain for R-1 & 2
None for R-3 to 4)

O R D E R

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

Heard both sides.

2. Admittedly applicants were parties in WP (C) Nos. 12897-12899/84 S.B. Verma & Others Vs. U.O.I. before Hon'ble Supreme Court in which, while challenging impugned orders dated 15.6.84 refixing their salary in the scale of Rs.330-480 instead of Rs.330-560 (which they had been drawing for several years), they had contended that they would not only be adversely affected financially, but even their seniority would be adversely affected.

3. The Hon'ble Supreme Court in its judgment dated 8.2.94 disposing of those WPs held that applicants would be entitled only to the scale of Rs.330-480 in terms of the Third Pay Commission's recommendations w.e.f. 1.1.73 and only after the period of 10 years ^{they would} ~~they~~ become entitled to the pay scale of Rs.330-560. However, as they had been

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(A)

receiving the pay scale of Rs.330-560 since 1973 due to no fault of their own and that scale was being reduced in 1984 w.e.f. 1.1.73, the Hon'ble Supreme Court ordered that no recoveries of excess amounts paid to them should be made.

4. R.A. No. 540542/94 filed against the aforesaid judgment was dismissed by order dated 28.4.94.

5. In its aforesaid judgment dated 8.2.94, the Hon'ble Supreme Court had specifically noticed applicants' plea that fixation of pay in scale of Rs.330-480 would adversely affect their seniority (See Page 2 of judgment), but despite that plea, held that applicants would only be entitled to the pay scale of Rs.330-480 and would be entitled to the scale of Rs.330-560 only after 10 years service.

6. Under the circumstances, if now consequent to refixation of pay in scale of Rs.330-480 applicants' seniority is affected, the same cannot be reagitated in this O.A. as it is squarely hit by the principle of Res Judicata.

7. The O.A. is dismissed. No costs.

Dhananjay
(P.C. Kannan)
Member (J)
/GK/

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