

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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O.A. No.1793 of 1994

Dated New Delhi, this 7th day of February, 1995

Hon'ble Shri J. P. Sharma, Member(J)
Hon'ble Shri B. K. Singh, Member(A)

1. SHRI D.K.JAIN
Directorate of Accounts,
Cabinet Secretariat,
East Block-IX, Level-7,
R.K. Puram
NEW DELHI

2. Anita Sareen
3. Manju Bhatia
4. Sushila Toppo
5. Hem Chand
6. M.S. Dhoriya
7. Shobha Mathur
8. Meenakshi Rani
9. Indira P. Rahal
10. G.K. Kater
11. Tejpal Singh
12. Rakesh K. Vaish
13. Ashok Kumar Sharma
14. Dinesh Kumar
15. Suresh Bhatia
16. Anil Kumar
17. R.K. Kapoor
18. N.C. Jain
19. R.S. Negi
20. Suparna Bhandari
21. Jasbir Kaur Sethi
22. Vinod Kumar Pant
23. M. Saraswati
24. Gian Chand
25. Pradeep Ghosh
26. Parvati
27. Parminder Kaur
28. Sunder Singh
29. Leela Singh
30. S.L. Kullu
31. Dinesh Kumar Negi
32. V.P. Porwal
33. Rajiv Malhan
34. Rajeev Sethi
35. S.K. Bhardwaj
36. Manjeet Singh
37. Neel Kamal Saxena
38. Chander Parkash
39. Renu Mehta
40. Sushma Popli.



41. H. S. Garg
42. Vasdev Naniani
43. Keharl Lal Meena
44. Rekha Jain
45. Anil Kumar
46. Chandra Daswani
47. Kironjeet Kaur
48. Chhote Lal
49. Neelan Bala Taneja
50. Mukesh Babu
51. Lakshmi
52. Suresh Kumar
53. Narinder Kumar
54. Girraj Prasad Meena
55. Abhey Ram
56. Sanjaya Vashist
57. Jasbir Kaur
58. Babu Lal
59. A. K. Mudgill
60. M. K. Basak
61. J. S. Kanthwal
62. Ramesh Chand Gupta
63. Ranjana Oberoi
64. Tara Chand Sharma
65. Subhash Gupta
66. Chetan Kumar Rajput
67. N. M. Bose
68. Ramesh Chand
69. Lalit Kumar
70. Fredrick Kulu
71. Madhu Joshi
72. Vidushi Rani
73. Lachman Datt Sharma
74. K. B. Lal
75. T. K. Mitra
76. Anant Prasad
77. Raghubir Singh Atri
78. Om Prakash
79. Pradeep Sehgal
80. Ishwar Kumar
81. Geeta Bhatia
82. Harjeet Kaur
83. R. K. Bhambi
84. Simphorosa
85. R. K. Jain
86. R. C. Jain
87. R. S. Negi
88. Harmeet Singh
89. S. R. Atri
90. M. Singh
91. Ranjeet Singh
92. D. C. Dabral
93. A. M. Singh
94. S. K. Goel
95. P. K. Goswami.



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96. Ramesh Chandra Pokhriyal
 97. Meenu Grover,
 98. P.N.Kotnala
 99. Ramprakash
 100. D. S. Rawat
 101. P. R. Sharma
 102. Raj Kumar Garg
 103. Raj Kumar Rathore
 104. Baljit Singh
 105. Poonam Sharma

Petitioners 2 to 105 resident of
 Directorate of Accounts, Cabinet Secretariat,
 East Block -IX,
 Level -7, R.K. Puram
 New Delhi.

By Advocate: Shri Rajeev Sharma
 Versus

..Petitionners

1. Union of India ,
 Through Cabinet Secretary
 Government of India,
 South Block,
 New Delhi.
2. Secretary (R)
 Cabinet Secretary
 Room No.8B
 South Block ,
 New Delhi.
3. Secretary,
 Department of Personnel and Training
 South Block ,
 New Delhi.
4. Finance Secretary
 Government of India
 South Block,
 New Delhi
5. Director of Accounts,
 Cabinet Secretariat
 East Block -IX, Level -7
 R.K. Puram
 New Delhi.

By Advocate: Shri M. M. Sudan

..Respondents

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Shri B. K. Singh, M(A)

The uncontroverted facts in this O.A. are that the applicants were given the revised pay scales with effect from 18.4.90 whereas the Indian Audit and Accounts Department had given the benefit to its staff with effect from 1.1.86 and the Accounts staff of other departments in the organised accounts cadre were given the benefit with effect from 1.4.87. These applicants are all employees of the office of the Director of Accounts, Cabinet Secretariat. They agitated this matter previously in OA.No.2004/91 in which judgement was delivered on 10.8.92 and the operative portion of that judgement is as follows:

"...An administrative action is subject to control by judicial review on grounds of illegality, irrationality or procedural impropriety. We do not find any such ground for issue of a direction to the respondents to make the introduction of higher functional grades in DACS effective from 1.1.1986. This is also not a case where a harmonious group is being treated differently. The accounts staff of DACS had had separate Recruitment Rules right from 1975. Even on audit and accounts sides of IA & AD the Pay Commission had unequivocally observed that there had been parity and the audit and accounts functions were complementary. Nevertheless the two sides gave the higher functional grades from different dates 1.1.1986 and 1.4.1987 in their respective Wings. This was upheld by the Apex Court. In the above view of the matter we refrain from giving a mandatory direction to the respondents on the relief prayed for in the O.A., since a judicial interference is not supported by the facts of the case. However, it would lie within the wisdom of the respondents themselves to consider whether the retrospectivity of their order of 18.4.1990 should be given keeping in view what other organised accounts cadres including that of Delhi Administration have done. ..."


The applicants aggrieved by the above judgement and order of the Tribunal, went to the Hon'ble Supreme Court by filing a S.L.P. and the judgement of the Hon'ble Supreme Court is quoted below:


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"Since the Tribunal while disposing of the matter did not deem it appropriate to grant an order in the nature of a mandamus but only made recommendatory observation, we do not propose to interfere, but it would be open to the petitioners to move the Tribunal for an appropriate relief. The Special Leave Petition is dismissed accordingly."

2. The observations of the Hon'ble Supreme Court while dismissing the S.L.P. are clear and unambiguous. The Hon'ble Supreme Court declined to interfere with the orders of the Tribunal and granted liberty to the applicants to move the Tribunal for an appropriate relief.
3. Once the S.L.P. was dismissed, the judgement and order passed by the Principal Bench of the Tribunal dated 10.8.92 have become final. The same applicants have again approached this Tribunal for adjudication on the same issues which were decided by the Tribunal vide its judgement and order dated 10.8.92. With the dismissal of the S.L.P., this judgement has become final for all practical purposes. The judgement had been passed by a co-ordinate Bench and upheld by the Hon'ble Supreme Court and as such we cannot sit in judgement over the res which has already been thoroughly adjudicated upon. Since the parties are the same and the issues involved are the similar and the same reliefs have again been prayed for which have been fully gone into by a co-ordinate Bench of the C.A.T. Principal Bench, the present O.A.No.1793/94 is barred by res judicata.

4. During the course of argument, the learned counsel representing the applicants wanted a direction to the cadre controlling authority in the Cabinet Secretariat to dispose of the representation of the applicants. We are unable to agree with this contention of the learned counsel for the applicants since the Tribunal had already left ^{the} matter to the wisdom of the respondents to antedate or not to antedate grant of revised pay scales to the applicants. It was further clarified by the departmental representative that the representation of the applicants has since been disposed of and the orders communicated to them. This being so, the scope for issue of a direction is also not there. Thus, this O.A. is summarily dismissed as barred by res judicata but without any order as to costs.


(B. K. Singh)
Member(A)


(J. P. Sharma)
Member(J)

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