

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PRINCIPAL BENCH,  
NEW DELHI.  
\* \* \*

7 ✓

Date of Decision: 20.8.92

OA 642/90

OM PRAKASH & 14 ORS. ... APPLICANTS.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicants ... SHRI SANT SINGH.

For the Respondents ... SHRI M.L. VERMA.

1. Whether Reporters of local papers may be allowed to see the Judgement ? JS

2. To be referred to the Reporters or not ? JS

J U D G E M E N T

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicants in the present application are working as Civilian Employees (Tailors) Office of the Commandant Ordnance Depot, Shakur Basti, Delhi. The applicants have claimed the removal of anomalies in fixation of their pay on par with others similarly situated. The applicants made representation but the same was rejected by the order dated 9.6.89. The applicants have prayed for quashing of the said order with the further direction to the respondents to refix

↓

....2.

(S)

the pay of the applicants on par with those six tailors in whose cases the pay anomalies have been removed and the benefit of which the applicants have been denied and that the applicants be paid correct salary from the dates their pay is re-fixed with interest thereon.

2. The facts of the case are that presently the applicants are getting the scale of Rs.800-15-1010-EB-20-1150. The applicants have put in about 25 years of service and they have been deployed in various Industrial Trade from time to time as Tailors, Upholsterer/Tent Mender/Mazdoor/Tailors. Since 1.1.89 the applicants are getting their pay Rs.1050/- against their entitlement of Rs.1150/- as being paid to others in whose cases anomalies has already been removed. Thus, anomalies have not been removed on re-fixation of their pay under PRC-III and PRC-IV. The applicants have also filed certain orders of Ministry of Defence and they are governed by the CDS(RP) Rules, 1973. The case of the applicants was taken by their Union also. The applicants have also filed certain minutes of the meeting but in the said meetings of JCM their case was not favourably considered.

3. The respondents have contested the application and took the point that the application is barred under Section 20 and 21 of the Administrative Tribunals Act, 1985.

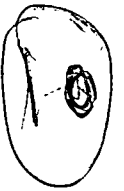
Le

9

The respondents have also taken objection to the various averments made by the applicants and stated that due to the rejection in the establishment these 15 applicants were adjusted in lower categories where vacancies were available in 1966 and have shown their position in Annexure Appendix 'A'. Regarding the case of six employees they were down graded in the lower categories in 1969 and they were allowed three increments in lower grade. Those six employees were re-classified earlier than these present applicants and their position has been shown in Appendix 'B' annexed to the counter. On the recommendations of the 3rd Pay Commission those who are on the basic pay Rs.151/- and Rs.210/- were allowed benefit in the new scales on the basis of Ministry of Defence letter No.2(16)/74-(Civ-I) dated 26.3.84. The benefit was given after relaxation to those who reaching upto Rs.110/- during 1.1.73 to 31.12.79. The six employees at Appendix 'B' reached at the basic pay of Rs.110/- but these 15 applicants could not touch the basic pay of Rs.110/- and so they could not get the benefits of the Pay Commission's report of 1973. Those six employees were senior to these 15 applicants and so the difference in the pay.

4. I have heard the learned counsel for the parties at length and have gone through the records of the case.

Le



In the rejoinder filed by the applicant. Om Prakash he has reiterated the points taken in the application but he has not stated anything how the present application is within limitation. The learned counsel for the applicants has also filed Hand Book on re-deployment of surplus staff and retrenched employees of the Central Government.

5. Regarding the point of limitation, it is evident from the record that on 25.11.86 (Appendix 'E' to the counter) there was a re-consideration of the minutes of JCM held on 29.9.86 and the anomalies in refixation of pay in respect of Industrial Tradesmen. There was a meeting held on 31.12.86 and the point was discussed and treated as closed and the effected persons who are informed of the correct fixation of their pay. Thus, when the matter was closed in a meeting held on 31.12.86 so the applicants cannot raise this old issue again by making un-successful representations in that regard. It is not a running cause of action. The applicants should have filed this application sometimes in 1987 but the present application has been filed in April, 90. The stale matters cannot be raised time again. The law has been clearly laid down in the case of S.S. Rathore Vs. State of Madhya Pradesh (AIR 1990 SC 10). It has been laid down that the repeated representations will

↓

....5.

not give any further cause of action. The matter has also been considered in the service matter by the Hon'ble Supreme Court in a recent case of Bheop Singh Vs. UOI (ATJ, 1992 (2) 153). The applicants have come here for re-fixation of their pay since 1973. The respondents have considered their matter in the JCM in presence of their Union and the matter was finally closed down even considering the case of those six employees who have been given the benefit of the Ministry of Defence letter dated 26.3.84 (Appendix 'H' to the counter). The respondents have given certain reasons in their counter and distinguished the case of the six employees from the present applicants. The present applicants, therefore, could have assail the matter at a time when the benefit was allowed to these six employees. When the matter has been finally close down in 1986 in the meeting of JCM then the matter cannot be re-agitated and the impugned order dated 9.6.89 only informs the General Secretary of the Ordnance Workers Union that the matter had already been critically examined in the prospective in the JCM 4th Level Council Meeting held on 31.12.86 and the point was treated as closed and the effected persons was fully apprise of the correct fixation of their pay.

6. Thus, the present application is hopelessly barred by time and is dismissed leaving the parties to bear their own costs.

*J. P. Sharma*  
( J.P. SHARMA )  
MEMBER (J)