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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. 2109/91

New Delhi this the 10th day of July, 1995.

Hon'ble Shri N.V. Krishnan, Vice Chairman.

Hon'ble Smt. Lakshmi Swaminatha, Member(J).

1. Bhopal Singh,
2. S.N. Jindal,
3. Ranjit Singh,
4. J.P. Bhārdwaj,
5. Brahma Nand,
6. Narain Singh,
7. Manohar Lal,
8. Shivji Mehto,
9. S. Mishra,
10. Jai Bhagwan,
11. Om Parkash,
12. S. Massey,
13. Ashok Kumar,
14. Raj Pal Singh,
15. Sita Ram,
16. Balwant Shah,
17. Jagdish Parshad,
18. Mittar Pal,
19. J.S. Bisht,
20. Nathu Ram,
21. D.N. Verma,
22. Partap Raj,
23. Prem Sagar,
24. Satish Kumar.

(All employed as Field Assistants/Sample Packers
in the office of Prevention of Food Adulteration,
Delhi Administration, ISBT, Kashmere Gate,
Delhi) .. Applicants.

By Advocate Ms Sheela Goyal (though none appeared).

Versus

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Delhi Administration,
through Director,
Department of Prevention of
Food Adulteration, ISBT Building,
Delhi. ... Respondent.

By Advocate Shri M.C. Garg (though none appeared)

ORDER (ORAL)

Hon'ble Shri N.V. Krishnan.

This O.A. has been on Board for some time. None appeared for the parties though called twice. Hence, we are disposing of this O.A. after perusal of the record.

2. The applicants are Field Assistants/Sample Packers in the Department of Prevention of Food Adulteration under Delhi Administration. Their claims for equality of pay with Field Assistants/Sample Packers in the Directorate General of Health Services were rejected by the Principal Bench of the Tribunal on 8.1.1988. On appeal, the order of the Tribunal was set aside by the Supreme Court vide order dated 31.1.1989 in Civil Appeal No. 530 of 1989 (Annexure 'B'). That order of the Supreme Court was again clarified on 21.9.1990 (again Annexure 'B') in regard to fixation of pay on 1.1.1989. Accordingly, by the Annexure 'A' order dated 24.1.1991, the pay of the applicants had been fixed as on 1.1.1989 with specific reference to the orders of the Supreme Court.

3. The applicants had demanded arrears of pay from the dates of their appointment till 31.12.1988 vide representation dated 21.2.1991. They did not get any reply thereto. This O.A. has been filed for a direction in this behalf.

4. The respondents have set forth the facts of the case and contended that the present O.A. amounts to reviewing of the order of the Supreme Court and hence, it should be dismissed.

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5. We have considered the matter. The Supreme Court has passed two orders. Those orders do not give a direction regarding payment of arrears. Hence, if the applicants wanted any direction in this behalf, they ought to have filed an application before the Supreme Court for a review of their orders. As far as we are concerned, we hold that the prayer should have been made to the Supreme Court. Hence, the O.A. is barred by constructive res judicata. It is accordingly dismissed. No costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

N.V. Krishnan

(N.V. Krishnan)
Vice Chairman(A)

'SRD'