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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1337/2004

New Delhi, this the 28th day of June, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A. SINGH, MEMBER (A)

Umesh Chander Sharma
aged about 64 years
s/o Late Shri Banwari Lal Sharma
r/o 21-C OCS Apptts
Chilla Road, Mayur Vihar
Phase-I, Delhi - 110 091.

Address for service:

The E-in-C, HQE-in-C's
Branch, AHQ DHQ Kashmir
House, Rajaji Marg
New Delhi - 110 011.

... Applicant

(Appeared in person)

Versus

1. Union of India through
The Secretary
Ministry of Defence
New Delhi.
2. Engineer-in-Chief (MES)
HQ E-in-C's Branch
AHQ DHQ Kashmir House
Rajaji Marg
New Delhi.
3. Chief Engineer (MES)
HQ Central Command
Lucknow - 02.
4. Commander Works Engineer
Sarvatra Bhawan Station Road
Bareilly Cantt.
5. Garrison Engineer (West)
11, Sardar Patel Marg
Lucknow - 02.
6. Garrison Engineer (East)
Shahjahanpur Road
Bareilly Cantt. Respondents

O R D E R (Oral)

Justice V.S. Aggarwal:-

The applicant had earlier filed O.A. 1269/2003

(S Ag)

claiming the following reliefs:

"Applicant has filed this OA seeking following reliefs:-

a) By an appropriate order or direction, the impugned orders of 10th August, 2001 (Annexure-4A), 8th October, 2001 (Annexure-4C) Conveying the order of 10th August, 2001, 18th July, 2002 (Annexure-16) and 19th September, 2002 (Annexure-17) be quashed.

b) By an appropriate order or direction, the relief granted by order of 27th April, 2001 in OA 168 of 1998 after examining the rules, be granted to this petitioner.

c) By an appropriate order or direction, the relief of annual increments be granted by giving benefit of departmental competitive exam in revised pay-scale, revised grade, ACP Scheme (Assured Career Progression) and pay fixation along with a statement of account of arrears of annual increments."

2. This Tribunal had disposed of the said application with the following directions:

"4. So we find that this OA can be disposed of at this stage itself with the direction to the respondents to pass a reasoned and speaking order and decide the show cause notice within a period of 2 months from the date of receipt of a copy of this order. Respondents shall also afford an opportunity of hearing including personal hearing to the applicant before passing a reasoned and speaking order. OA stands disposed of. If any grievance survives thereafter applicant would be at liberty to challenge the same. Applicant may given a supplementary reply also."

3. By virtue of the present application, the same reliefs are being claimed:

"a) By an appropriate order or direction, the impugned order of 19.9.2002 (show cause notice) be quashed;

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b) By an appropriate order or direction, the relief granted by order of 27 Apr 2001 in OA 168/98 be implemented by the respondents.

c) By an appropriate order or direction, the relief of annual increments be granted by giving benefit of departmental competitive examination in revised pay-scale, revised grade, ACP Scheme (Assured Career Progression) and pay fixation with a copy of statement of account of arrears of annual increments.

d) such other order or direction, be also issued, as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

4. The applicant had appeared in person. He explained that till date, the orders passed in the earlier O.A. referred to above have not been complied with and, therefore, he has been forced to file the present O.A.

5. Since the applicant had appeared in person, we had tried to explain it to him that his remedies may lie only for implementation of the order in accordance with law, if he so desires. With the same reliefs, another O.A. will not be maintainable.

6. Thereupon, the applicant states that he will file an application for enforcement of the order. Therefore, we are not expressing anything on the merits of the matter but the petition is dismissed as withdrawn with liberty to file an appropriate application. The annexures filed may be returned to the applicant against a receipt.


(S.A. Singh)
Member (A)

/dkm/


(V.S. Aggarwal)
Chairman