

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.1506/92

Date of decision:

14/12/92

P.N.Lal

.. Applicant.

versus

Union of India &
Others .. Respondents

Applicant in persons.

Sh.P.P.Khurana .. Counsel for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J).

The Hon'ble Sh.I.P.GUpta, Member(A).

J U D G E M E N T (ORAL)

In this application filed under section 19 of the Administrative Tribunals Act, the applicant requests for treatment of his period of service till 10.11.86 as J.E. C.T.T.C., Lucknow (officiating A.E.). It is seen that the applicant had filed a O.A. 714/87 before the Principal Bench and the judgement was given on 30.5.88. The judgement had discussed his period of service even from 12.5.77 to 30th June, 1986. In the SLP 3384-86/86, decided on 8.4.86 the Apex Court had ordered payment of 50% of Rs.79,100.50 and para 7 of the judgement of the Principal Bench (supra) discussed the issue of the said payment (Rs.39,550) for the period from 12.5.77 to 30.6.86. Para 8 of that judgement said that according to the respondents, he had been paid the pay and allowances admissible to him for the period 21.9.83 to 26.5.84. The period 27.5.84 to 13.6.86 was also considered in the said judgement and after discussing the whole case the order given by the Bench was to pay to the applicant his pay and allowances for the period 1.10.86 to 10.11.86.

g/s

2. The applicant cannot, therefore, raise the question again for the period till 10.11.86 as he was serving J.E. C.T.T.C. The applicant cannot take the plea in one breath that he was working as J.E. for certain period and in another breath that he was working as Assistant Engineer for the same period.

3. The application is hit by the principles of res judicata. Since he is claiming treatment of his period prior to 10.11.86 as duty, his application of 1992 is also hit by the limitation clause of the Administrative Tribunals Act, 1985.

4. The application is, therefore, dismissed with no order as to costs.

I.P.Gupta
(I.P.GUPTA) 14/12/92
MEMBER(A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN (J)