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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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O.A. NO.2244/92

DATE OF DECISION : 08.01.93

Shri Kuldip Chander Sharma

...Applicant

vs.

Lt.Governor & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri Sarvesh Bisaria

For the Respondents

...None

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yr*
2. To be referred to the Reporter or not? *Yr*

JUDGMENT

The applicant, a Trained Graduate Teacher was appointed in 1952 in Delhi Administration and he retired on superannuation as Principal on 15.11.1989, but he was re-employed till 31.3.1990. Since he was state award winner, so he made a representation that by virtue of the circular of the Delhi Administration, he is entitled to extension of service for a period of one year initially and for the same, he applied on 14.3.1990 and his application was duly recommended by Director of Education for extension of service till 15.11.1990. However, the applicant was not given any information or reply to his representation and he was ultimately relieved on 31.10.1990 when the applicant filed OA 2287/90 in which an interim order was issued under which the applicant continued to work with the respondents till 15.11.1991. OA 1287/90 was decided by the Principal Bench, Central

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Administrative Tribunal on 8.10.1991 with the direction to the respondents for issuing appropriate orders for extension of the service of the applicant till 15.11.1991 and treating the period from 16.11.1989 to that date as extension of service. The applicant was also given all consequential benefits of pay and allowances for that period, i.e., from 16.11.1989 to 15.11.1991 and another direction was issued for refixing his pension and other retirement benefits on the revised basis in view of the extension of service till 15.11.1991. The respondents, however, did not pay the benefits to the applicant and it is alleged that he filed another OA 468/91 which was allowed directing the respondents to pay the dues of salary along with allowances to the applicant. When the applicant failed to get his arrears of salary and other allowances etc., he filed a contempt petition, CCP 110/92 and while the said contempt petition was pending, the applicant was paid his dues, i.e., arrears of salary etc. by a cheque issued in his name on 2.7.1992. The said CCP was dismissed. The applicant has filed the present Original Application on 27.8.1992 being dissatisfied by non grant of interest on the arrears of salary given to the applicant and prayed for the relief that a direction be issued to the respondents to pay interest to the applicant on the arrears of salary and allowances amounting to Rs.62,569 paid on 23.7.1992 @18% p.a.

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2. A notice was issued to the respondents on admission on 1.9.1992, returnable on 28.10.1992. The departmental representative appeared on 28.10.1992 and prayed for four weeks' time for filing the reply and the matter was adjourned to 24.12.1992. On 24.12.1992, none appeared for the respondents and the learned counsel has been heard on admission.

3. Subsequently Ms. Ashoka Jain appeared on behalf of the respondents in my chamber and stated that she intends to file the reply. But since the arguments had already been heard on admission, the reply was not considered necessary in the circumstances of the case.

4. In this application, the applicant has prayed for the grant of interest on the arrears of salary which have already been allowed to him in the earlier application.- OA 2287/90 decided on 8.10.1991 and a copy of the judgment of the same has been annexed to the application at p-11 of the paper book. The applicant in the application also alleged that he also moved a CCP and the same has been dismissed when the respondents have paid the arrears of salary etc. which goes to show that the judgment has been fully satisfied. Under Section 19(3), the Tribunal has to satisfy itself that the application is a fit case for adjudication or trial by it and if it is so, then the same

has to be admitted, but if the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons. In the present case, the applicant has no case for adjudication at all. He has earlier filed OA 2287/90 for extension of service from 16.11.1989 to 15.11.1991 and the same has been allowed with all consequential benefits of salary etc., even to the extent of drawing revised pension as per extension of service for two years after the normal date of superannuation since the applicant has been state award winner. In the said judgment if the applicant was sure to get interest, then the CCP which he has filed 110/92, he should have pressed the same. Moreover, in another OA 468/91, the applicant has prayed difference of wages between the pension and the salary for the period from 16.11.1989 to 15.11.1991. The said petition was also allowed and if the applicant has any grievance unsatisfied, he should have raised the same in any of the above Original Applications or ultimately in the CCP No. 110/92. It is not open to the applicant to come again and again for the same relief when once the issue has been adjudicated upon finally. The award of interest was in the discretion of the Bench at the time deciding the earlier applications of the applicant and it is not open to the applicant now to agitate that issue separately by another present OA. In view of this fact, the present application does not make out a case for admission. The Original Application

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is, therefore, dismissed at the admission stage itself devoid of merit as not maintainable. In the circumstances, the parties shall bear their own costs.

J. P. Sharma
8.1.93
(J.P. SHARMA)
MEMBER (J)