

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 1157/1992

DATE OF DECISION : 29.04.92

SHRI HARDWARI LAL

...APPLICANT

VS.

DELHI ADMINISTRATION & ORS.

...RESPONDENTS

CORAM

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

FOR THE APPLICANT

...SHRI J.M. KALIA

FOR THE RESPONDENTS

..NONE

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

JUDGEMENT

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

The applicant retired on 31.12.1988 and worked in a Middle School, Shadi Khampur, New Delhi as Head Master. He filed a Writ Petition in Delhi High Court for correction of his seniority of the P.G.T. praying also for the grant of benefits of the selection grade T.G.I. to which the applicant was entitled sometimes in November, 1971. That was decided by the Tribunal as T.A. 134/1985 by the order dt. 6.3.1987 and the operative portion is as follows :-

(a) The petitioner's seniority in the grade of TGT as on 1.7.70 should be fixed by the Delhi Administration on the basis of the then existing

rules and orders in consultation with the Municipal Corporation to the extent necessary and determine his seniority as on 5.9.1971 for the purpose of eligibility for selection grade.

(b) As on 5.9.1971 the respondents should consider the petitioner for being given the selection grade in accordance with the eligibility and other criteria. If he is entitled to the same, he should be given all arrears of pay and allowances based on the selection grade thus given to him. His pension should also be recalculated on that basis, and

(c) Action on (a) & (b) above should be completed and payment if called for should be made good to the petitioner within a period of next four months from the date of this order together with interest at the rate of 12 per cent per annum as has been allowed by the Supreme Court and various High Courts in similar cases.

2. The grievance of the applicant is that the respondents did not fully comply with the orders of the Tribunal in as much as the interest on the arrears from 5.9.1971 as specially stipulated by the Tribunal was not paid.

3. I have heard the learned counsel for the applicant at length. The applicant is coming for the compliance of the judgement dt. 6.3.1987 and in para (c) of the above portion, though of course the applicant was entitled to interest @12% p.a. on item (a) & (b) of the operative portion. If the applicant felt that the judgement dt. 6.3.1987 passed in T.A. 134/1985 has not been complied with fully, he could very well come for the enforcement of the judgement under Rule 24 of the Administrative Tribunals Procedure Rules, 1987 or by filing a contempt petition. The learned

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counsel for the applicant pointed out that the said contempt petition could not be filed as the period of filing the same has expired.

4. The applicant has again desired adjudication on the point of award of interest on certain reliefs granted by the judgement of the Bench in T.A. 134/1985. This matter cannot be adjudicated again because the applicant should have sought the compliance of the order passed by the Tribunal under Section 27 of the Act or under Rule 24 of the Administrative Tribunals Procedure Rules, 1987. The present application, therefore, is not maintainable as barred by the principles of res judicata and the same is dismissed at the admission stage itself.

AKS

J. P. Sharma 29.4.92
(J.P. SHARMA)
MEMBER (J)