

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 733/93

DATE OF DECISION 30-04-93

Sh. P.D. Makkar

Applicant

U.O.I. & Others

Respondents

FOR THE APPLICANT

Present in person.

FOR THE RESPONDENTS

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Sh. S.P. Mukerji, Vice Chairman(A)

Sh. J.P. Sharma, Member(B)

JUDGEMENT

Delivered by Sh. J.P. Sharma, Member(J) 7

The applicant retired as Deputy Controller of Defence Accounts in the office of the C.D.A. (Air Force) R.K. Puram, New Delhi and he filed original application 1100/89 before Principal Bench claiming entitlement for fitment in the Senior Time Scale of pay of Rs i.e. 1100-1600 on the basis of Judgement given in TA decided by the Bangalore Bench vide judgement dated 20-1-87 in the case of Shri M.V. Narayanaswamy. The application was allowed and the respondents were directed to revise the pay of the applicant vide judgement dated 25-7-91. Vide order dated 23-10-91 the pay of the applicant was fixed in the Senior Time Scale retrospectively w.e.f. 21-9-79. The applicant however, had grievance that

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he was also entitled to receive the special pay for the period 7-12-79 to 7-7-82 of Rs 100 P.M. as he was actually the holder of the identified post against which special pay is authorised vide Govt. order dated 6-1-70 (Annexure A-E) as amended on 26-2-75 (Annexure A-F). The applicant filed CCP 189/92 with the Principal Bench which was dismissed on 4-1-93. However, in the CCP the Tribunal made an observation as follows:-

" We do not express any opinion on the question as to whether the petitioner was or was not entitled to grant of special pay".

On the basis of these observations the applicant filed present application on 29-3-93 and he has prayed for the relief that impugned order dated 18-8-92 be quashed and the respondents be directed to pay special pay of Rs 100 P.M. from 1-12-79 to 7-7-82 ^{while} ~~not~~ holding specified post.

We have heard the applicant in person on the point of maintainability of this application. When the applicant filed his application 1100/89 in which he sought grant of Senior Time Scale he should have also prayed for the grant of the same benefit of the special pay for the period 7-12-79 to 7-7-82. When the applicant sought to claim some relief in the earlier O.A. he cannot subsequently claim another relief for the same period which has already been allowed as per the claim in the earlier original application another relief 733/93. The present application for the same period is, therefore, not maintainable.

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The contention of the applicant is that since the matter was left open in CCP 189/92 decided on 4-1-93, he is again entitled to press this claim of special pay of identified post vide judgement in 1100/89 (CCP 189/92). This judgment to our mind does not allow this relief to the applicant though the applicant averred in the contempt petition that the consequential benefits also covered, the granting to him special pay also by the judgement on 1100/89 decided on 25-7-91.

In view of the above facts and circumstances, the present applicant does not make out a prima-facie ^{case} and, therefore, dismissed under Section 19(3) of Administrative Tribunal Act, 1985.

For me
J.P.SHARMA
MEMBER (J)

30-4-93

For me
(S.P.MUKERJI)
VICE CHAIRMAN (A)

For me
J.P.SHARMA
30-4-93