

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

D.A. NO.: 1138 of 1992  
F.A. NO.:

DATE OF DECISION: 8/5/95

Surenchou Nath Sinolia ----- PETITIONER(S)

In person ----- ADVOCATE FOR THE  
PETITIONER

V E R S U S

Union of Indus Lovers ----- RESPONDENT (S)

Shri C. P. Agrawal ----- ADVOCATE OF THE  
RESPONDENTS

C O R A M

The Hon'ble Mr. Justice B. C. Saksengra

The Hon'ble Mr. S. Daryal Member (A)

1. Whether Reporters of local papers may be allowed to see the judgment ? ☒
2. To be referred to the Reporter or not ? ☒
3. Whether their Lordships wish to see the fair copy of the Judgment ? ☒
4. Whether to be circulated to all other Bench ? ☒

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SIGNATURE

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## CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCHTHIS THE 8<sup>th</sup> DAY OF MAY, 1995Original Application No. 1138 of 1992

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAYAL, MEMBER (A)

Surendra Nath Sirothia, retired  
Sergeant of the Indian Air Force  
& 'Removed' Telecommunication  
Maintainer Grade 'A' of Central  
Railway, Jabalpur, s/o late  
Shri B.B. Sirothia, r/o 109  
Bai ka Bagh, Allahabad.

Applicant

APPLICANT IN PERSON

Versus

1. The Union of India, through  
the Cabinet Secretary, New Delhi
2. The Defence Minister, New Delhi
3. The minister of Public Grievances &  
Pensions, New Delhi
4. The Chief of Air Staff, Air Head  
Quarters, New Delhi
5. The Officer Commanding, Air  
Force Central Accounts Office,  
Dhaura Kunao, New Delhi.
6. The Officer Commanding, Air Force  
Record Office, Dhaura Kunao, New Delhi
7. The Chairman Railway Board, Rail Bhawan  
New Delhi
8. The General Manager, Central Railway  
Bombay V.T.
9. The Divisional Railway Manager, Central  
Railway Jabalpur (M.P.)
10. The Chief Controller of Defence Accounts  
(Pension), Draupadi Ghat, Allahabad
11. The Director General Resettlement  
West Block Sector IV, R.K. Puram  
New Delhi.

....Respondents

BY ADVOCATE SHRI. G.P. AGRAWAL1  
BCL



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JUDGE B.C. SAKSENA, V.C.

We have heard the applicant who appeared in person since he was not represented through any counsel and Shri G.P. Agrawal, learned counsel for the respondents. The applicant appears to have been discharged from ~~service~~ w.e.f. 30.11.70 and was re-employed as Telecommunication Inspector Gr. II. The applicant seeks his pay fixation. On the basis of his total emoluments being ~~Rs. 450/-~~ ~~last drawn by him~~ in the service of the Indian Airforce.

2. The pleadings in the O.A are very much confusing and it is difficult to spell out the real grievances of the applicant. The applicant has arrayed as respondents office of the Airforce and the various officers of the Central Railway as also the Director General Recruitment, New Delhi. What can be gathered is the fact that the applicant had filed a suit in the court of Civil Judge Allahabad being suit no.168/81 for pay fixation. The said suit had been dismissed and it had been held that Ex-military personnels who seek reemployment on their own are not entitled to a pay fixation or absorption in suitable cadre.

3. In the counter affidavit 2 preliminary objections has been raised:

(1) that the relief prayed is highly barred by time

Secondly it has been pleaded that the applicant had already filed a suit for the same cause of action and reliefs and the suit had been dismissed. Copy of the

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plaint and written statement filed in the said suit have been annexed with the counter affidavit and thus a plea of the O.A being barred by principles of resjudicata is also raised. In the counter it has been alleged that the applicant is a habitual litigant and a detail of about 9 cases filed by him have been given to support the plea that the applicant has not worked even a single day with devotion to duties except filing representations and cases. This OA has been filed after almost 12 years of the dismissal of the suit. The applicant, as been indicated in the counter affidavit, was removed from service after the disciplinary proceedings and he has challenged the order through a separate OA no. 631/89.

4. The copy of the plaint and written statement would show that the suit was for the same reliefs and the judgment rendered in the said suit having become final, this O.A. for the same relief, as rightly contended by the learned counsel for the respondents is barred by the principles of resjudicata. On behalf of the Airforce authority it has been indicated in the counter affidavit that the applicant was retired from Airforce in the year 1970 and his personal files were destroyed ~~by the authority~~ after retaining it for ten years from the date of his discharge from the Indian Airforce and thus it is not possible to verify the allegations made in the various paras of O.A. at this belated stage and it has also been pleaded that the application be dismissed besides being barred by principles of resjudicata. The applicant has not been able to meet this

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plea. The OA is clearly barred by limitation and principles of resjudicata and it is accordingly dismissed. Parties to bear their own costs.

*[Signature]*  
Member (A)

*[Signature]*  
Vice Chairman

Dated: <sup>th</sup> 8<sup>th</sup> May, 1995

Uv/