

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

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

DATE OF DECISION: 8/5/95

Surendra Nath Sinha ----- PETITIONER(S)

In person

----- ADVOCATE FOR THE
PETITIONER

VERSUS

Union of India vs. ----- RESPONDENT (S)

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

COURT

The Hon'ble Mr. Justice B.C. Saksena, VC

The Hon'ble Mr. S. Dayal, Member(s)

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 ?

B.C.S.

SIGNATURE

MA ISH

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCHTHIS THE 8th 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,
Dhaula Kunao, New Delhi.
6. The Officer Commanding, Air Force
Record Office, Dhaula 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. AGRAWAL

R.G.D.

:: 2 ::

~~RECEIVED~~ B.C. SAKSENA, V.C.

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

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 responde ~~.....~~ office of the Airforce and the various officers of ~~.....~~ the Central Railway as also the Director General ~~.....~~, New Delhi. What can be gathered is the ~~.....~~ that the applicant had filed a suit in the court of ~~.....~~ Judge Allahabad being suit no.168/81 for pay fixa- ~~.....~~. The said suit had been dismissed and it had been ~~.....~~ that Ex-military personals who seek reemployment on ~~.....~~ own are not entitled to a pay fixation or absorption in suitable cadre.

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

(i) that the relief prayed is highly barred by ~~.....~~ time

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

Recd

...p3

:: 3 ::

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 ~~on 10th January 1980~~ 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

B62

...p4

:: 4 ::

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

Mane
Member (A)

Bachakew
Vice Chairman

Dated: 8th May, 1995

Uv/