

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 11th day of May 2001.

Original Application no. 886 of 1993

Hon'ble Mr. Justice R.R.K. Trivedi, Vice- Chairman  
Hon'ble Maj Gen KK Srivastava, Member-A.

1. Vinod Kumar Gupta MES/ 400070,  
Shree  
S/o Shri Ram Gupta, Working as Draughtsman  
Grade I under Chief Engineer, Central Command,  
Lucknow.
2. Sudhir Kumar MES/460222,  
S/o late Shri Shiv Sahai, Working as Draughtsman  
Grade I under Chef Engineer Central Command,  
Lucknow.
3. Shree Bhagwan Sharma MES/455316  
S/o Shri D.P. Sharma, working as Draughtman  
Grade II under Chief Engineer,  
Central Command, Lucknow.
4. Suresh Chandra, MES/436538,  
S/o late Shri B.N. Prasad, working as Draughtsman  
Grade II under Chief Engineer, Central Command,  
Lucknow.
5. D.K. Chakravarty MES/446238  
S/o late Shri A.N. Chakravarty,  
working as Draughtsman Grade II  
under Chief Engineer, Central Command,  
Lucknow.

...Applicants

C/As Shri Rakesh Verma

  
...2/-

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Versus

1. Union of India through Secretary,  
Ministry of Defence,  
New Delhi.
2. Engineer-in-Chief, E-in-C's Branch,  
Army Headquarter, New Delhi.
3. Chief Engineer, Central Command,  
Lucknow.

... Respondents

C/Rs Shri S. Chaturvedi

O R D E R (Oral)

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA under section 19 of the A.T. Act, 1985 the applicants have approached for a direction to the respondents no. 2 and 3 to pay revised pay scales to Draughtsman Gr. I as Rs. 550-750, Draughtsman Gr. II as Rs. 425-700 and Draughtsman Gr. III as Rs. 330-560, notionally w.e.f. 1.1.1973 and actually w.e.f. 29.7.1978 with all consequential benefits. This claim has been raised on the basis of order dated 28.6.1980, as well as the judgment of the Delhi High Court. It is not disputed that the applicants have actually been granted the aforesaid scale in view of the judgment of the Principal Bench of this Tribunal in OA 1929 of 1988. From the order dated 16.4.1992, by which the order of the Principal Bench



...3/-

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in the ~~foresaid~~ OA, was implemented has been filed as annexure 5 to this OA. From the perusal of the order it is clear that the Draughtsman Grade I and Draughtsman Grade II have been granted the same pay scale which has been prayed in this OA. The only difference is that it is notionally w.e.f. 13.5.1982 and actually w.e.f. 1.11.1983. Now the question is once the applicants filed the OA before Principal Bench of this Tribunal, can they file another OA in respect of the same grievance? Law is well settled that all the pleas and relief which could or ought to have been taken by filing first OA, if not ~~claimed~~ shall be ~~banned by a placed~~ brought ~~for~~ constructive resjudicata. The applicants cannot claim adjudication from this Tribunal over the same issue again.

2. For the reasons stated above, we are of the opinion that the applicants are not entitled to any relief sought for in this OA. The OA is accordingly dismissed. No order as to costs.



Member-A



Vice-Chairman

/pc/