

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 452/2003

Dated Monday this the 18th day of August, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

T.N. Ramachandran Iyer
(Retired General Store Keeper,
Government of India Press, Koratty)
Lakshmi Sadan, 7, Jawahar Park
Nethajee Nagar,
Kochi.

Applicant.

(Party in person)

Versus

1. Union of India, represented by
The Secretary
Ministry of Urban Affairs & Employment
(Department of Urban Development) & PA
Nirman Bhawan, New Delhi.
2. The Secretary to the Government of India
Ministry of Finance,
Department of Expenditure
(Implementation Cell).
New Delhi.
3. The Secretary
Ministry of Personnel & Training
The Department of Administrative Reforms &
Public Grievances
Sardar Patel Bhavan
5th Floor, New Delhi.

(By advocate Mr. Sunil Jose, ACGSC)

The application having been heard on 18th August, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, Sri T.N. Ramachandran Iyer, who retired from
the service of the Government of India Press, Koratty on
28.2.1987, has filed a number of cases before this Tribunal,
praying for an appropriate pay scale, according to him, with
effect from 1.1.1986. The first of the series was OA No. 245/87
which was disposed of directing the first respondent therein to
consider and dispose of the claim of the applicant for getting an

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appropriate pay scale with effect from 1.1.86. The representation of the applicant was disposed of rejecting his claim by letter dated 20.7.90. Dissatisfied, the applicant filed a contempt petition No.39/90 in OA No.K.245/87. After Sri K.C.Sivaramakrishnan, the then Secretary and the first respondent in the OA filed an affidavit, this Bench of the Tribunal by order dated 12.4.91 dismissed the contempt petition. Thereafter the applicant filed OA No.1207/91 which was dismissed and review application was also dismissed on the ground of want of jurisdiction. However, the Hon'ble Supreme Court by its order dated 10.4.95 in SLP No.(C)16771-71(A)(92) set aside the Tribunal's order and directed the Tribunal to hear OA No.1207/91 on merits and dispose of the same. The Tribunal vide its order dated 1.8.95 dismissed the OA on merits. The SLP filed by the applicant against the dismissal of the OA 1207/91 on merits, which was also an application for an appropriate pay scale w.e.f. 1.1.86, was dismissed in limine by the Hon'ble Supreme Court by its order dated 10.11.95 and the review application was also dismissed. Thereafter the applicant filed OA No.1551/98 before this Bench of the Tribunal for a direction to the respondents to reply to the applicant's representation dated 16.7.97 and to confirm whether the Desk Officer was competent to dispose of the applicant's representation dated 23.3.90 in terms of the directions contained in the order of the Tribunal in OA No.K-245/87. That OA was rejected by the Tribunal under Section 19 (3) of the Administrative Tribunals Act. Review Application filed by the applicant was also rejected by the Tribunal by its order dated 12.1.99. The applicant approached the Hon'ble High Court in OP No.2634/99 which was disposed of directing the respondents to reply to the applicant's representation dated

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16.7.97. The representation was disposed of by the respondents informing the applicant that his representation dated 23.3.90 had already been disposed of at the level of the Joint Secretary by order dated 20.7.90. The applicant filed another OA No.235/99 before this Bench of the Tribunal for a direction to supply to him copies of certain documents, which was also rejected under Section 19 (3) of the Administrative Tribunals Act, on 2.4.99. Review application filed by the applicant was also dismissed by order dated 4.5.99. The applicant then filed OA No.919/99 against O.M. dated 23.3.99. The OA 919/99 was also dismissed on the ground that the applicant cannot go on filing successive applications for the very same relief, by order dated 7.2.2001. Review application filed by the applicant against that order was also dismissed by order dated 19.4.2001. The applicant approached the Hon'ble High Court of Kerala by filing O.P.No.17236/2001 against order dated 7.2.2001 and 19.4.2001. However, the High Court dismissed the O.P. upholding the Tribunal's order. Thereafter the applicant on 1.1.2001 submitted a representation to the Secretary, Government of India, Ministry of Urban Affairs, New Delhi requesting him to dispose of the applicant's representation dated 23.3.90. Thereafter he filed OA No.65/02 before this Bench of the Tribunal to adjudicate whether the applicant's representation dated 23.3.90 was disposed of by the competent authority. That OA was dismissed on the ground of limitation. Review Application No.4/02 against the order in OA No.65/02 was also dismissed by the Tribunal by its order dated 31.7.02. The applicant filed O.P.No.24721/02 before the Hon'ble High Court of Kerala against the order dated 24.1.02 and 31.7.02. The O.P. was dismissed by the High Court. Review Petition No.709/02 was also dismissed by the High Court of Kerala. Now

the applicant has filed this application for a direction to the respondents to dispose of the applicant's representation dated 10.9.02 allegedly to enable him to approach appropriate forum for redressal of his grievance pending since 1.1.86. Annexure A-4 is the copy of the representation in which the applicant has claimed that he is entitled to be given the pay scale of Rs.2000-3200 with effect from 1.1.86.

2. The applicant has stated in the application that ever since the year 1986 onwards, the applicant has been continuously agitating his claim for an appropriate pay scale and that the respondents are therefore duty bound to give him a reply to his claim made in A-4 representation.

3. The respondents have filed reply statement contending that the claim of the applicant is not maintainable for various reasons. This is a frivolous and vexatious application on an issue which has been considered and rejected several times in the past, that the matter is stale as the cause of action is barred by limitation and that the applicant cannot be allowed to go on filing cases on the very same cause of action over and over again, contend the respondents.

4. The applicant has filed a rejoinder.

5. We have perused the matter and the documents placed on record and have also heard at length Sri T.N.Ramachandran Iyer who is present in person and Sri Sunil Jose, learned ACGSC for the respondents.

6. The last application of the applicant OA No.65/02 claiming an appropriate pay scale to the applicant with effect from 1.1.86 was rejected vide Annexure R1(a) order dated 24.1.2002. It was made clear in that order that the cause of action of the applicant, namely the claim for an appropriate pay scale with effect from 1.1.86 had been dead and buried and that repeated unsuccessful representations would not give a re-birth to a time barred cause of action. Inspite of that, the applicant again made another representation Annexure A-4 claiming an appropriate pay scale with effect from 1.1.86 and now alleging that this representation has not been considered and disposed of, the applicant has filed this application seeking a direction to the respondents to dispose of the representation.

7. We are convinced that this application is not maintainable for a number of reasons. For one thing, the applicant's claim for an appropriate pay scale is hit by delay and laches and cause of action, if any, has been barred by limitation on account of dismissal of his earlier applications for the same relief of appropriate pay scale w.e.f. 1.1.86, including OA No.65/02 and the claim is barred by res-judicata also. The theory of the applicant getting recurring cause of action also has been dealt with in the order in OA No.65/02. After retirement, the applicant cannot get any pay and, therefore, the question of getting a new cause of action does not arise. Secondly, the matter has been considered and disposed of by the Tribunal in a number of cases earlier. The Hon'ble High Court as also the Apex Court have upheld the rulings of the Tribunal. Therefore, we find that the applicant does not have a valid and subsisting cause of action to enable him to invoke the jurisdiction of this

Tribunal. We are constrained to observe that the applicant, a very senior citizen, is trying to abuse the process of court by engaging himself in repeated vexatious litigations, which ordinarily should have been taken a very serious note of and dealt with in accordance with law. However, taking into account that the applicant is an elderly person and is a pensioner, we do not intend to award any costs while rejecting the claim of the applicant.

8. In the light of what is stated above, we find that the applicant does not have a valid and subsisting cause of action and, therefore, we reject this application under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 18th August, 2003.



~~T.N.T. NAYAR~~
ADMINISTRATIVE MEMBER

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~~A.V. HARIDASAN~~
VICE CHAIRMAN