

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION - 25-10-1989

Present:

Hon'ble Shri S.P. Mukerji, Vice Chairman
&
Hon'ble Shri A.V. Haridasan, Judicial Member

ORIGINAL APPLICATION NO.562/89

K.P. Ramanandan .. Applicant

Vs.

1. Union of India represented by the Secretary to Government, Ministry of Home Affairs (ANL), New Delhi.
2. The Administrator, Union Territory of Lakshadweep, P.O. Kavaratti. .. Respondents

Counsel for the applicant .. Shri K.Ramakumar and VR Ramachandran Nair.

O R D E R
(Shri S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for the applicant by the applicant in detail. The relief claimed in this application/is that Rs. the pay scale of 110-180 which he was drawing as an L.D.C. in the Administration of Union Territory of Lakshadweep should be revised to Rs. 130-300 with effect from 1.1.1966 on the ground that he was discharging some ~~hazardous~~ ^{onersous} duties of Treasurer. Apart from the fact that this application is hopelessly time barred and that this Tribunal is proscribed from entertaining ~~the~~ ^{any} applications on grievances which had arisen more than three years before the constitution of the Tribunal, we find that the application is also barred by the principle of constructive res judicata. The applicant

had prayed for a special pay of Rs. 25/- per month for the duties of Treasurer from the respondents when this was stopped from 1.1.1966. The Government of India did not agree. Thereafter the applicant approached the Tribunal for the grant of special pay and that this Tribunal dismissed the application. The applicant seems to be trying to get the same relief by modifying his prayer from the grant of special pay to the grant of a higher pay scale for discharging the duties of Treasurer. We feel that he should have raised this relief as an alternative relief in the application before the Tribunal. In the circumstances, we see no merit in the application and dismiss the same.


(A.V. Haridasan)

Judicial Member


25.X.89
(S.P. Mukerji)

Vice Chairman

25.10.89

Sn/

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Placed below is a Review Petition filed by K. P. Ramanandan (Applicant/Respondent in OA/TA No. 562/89) seeking a review of the order dated 25-10-89 passed by this Tribunal in the above noted case.

As per Rule 17(ii) and (iii), a review petition shall ordinarily be heard by the same Bench which passed the order, and unless ordered otherwise by the Bench concerned, a review petition shall be disposed by circulation where the Bench may either dismiss the petition or direct notice to be issued to the opposite party.

The Review petition is therefore, submitted for orders of the Bench consisting of Hon'ble Shri S. P. Mukerji (C.J.) & Hon'ble Shri A. V. Hanumantha which pronounced the order sought to be reviewed.

3/10/89

11/11/89

Hon'ble Shri S. P. Mukerji
Additional Member

We may call back the parties and hear them on admission.

S.R.

J. T.

Hon'ble Shri Hanumantha

13/11/89

May be heard for 24.11.89

S.R.

J.S.

A. Hanumantha
18/11/89

PP to Hon'ble V.C.

S.G.I.

SD(JL) 15/11/89

24.11.89

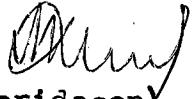
SPM & AVH

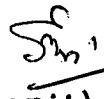
Shri Ramachandran Nair-
for applicant.

Heard both counsel. Order
Shri PVM Nambiar-SCGSC. pronounced in the open court.

ORDER
(Shri S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties on the Review Application No.69/89. The learned counsel for the Review Applicant stated that he does not want any review of the order passed by us on 25.10.89 in O.A.562/89. He simply wants a clarification that the aforesaid order will not stand in the way of the respondents considering the prayer of the applicant about the revision of the pay scale. Accordingly, we consider this Review Application as an M.P. and disposed of the same with the observation that our aforesaid order dated 25.10.89 would not stand in the way of the respondents considering the case of the applicant for revision of his pay scale, if the respondents are so advised.


(A.V. Haridasan)
Judicial Member


(S.P. Mukerji)
Vice Chairman

24.11.89

R.14. *cc/s*
Comments
Ex 28.11.89