

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 132 of 1997

Friday, this the 7th day of November, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. T.N. Ramachandran Iyer,
Senior citizen and Pensioner,
C/o Shri J. Radhakrishnan,
'Kaveri Nilayam', Near Krishna Temple,
PO Kalady, Ernakulam District,
Kerala.

.. Applicant

By Advocate Ms. Beena Anand

Versus

1. The Secretary to the Government of India,
Ministry of Urban Affairs and Employment,
Department of Urban Development,
Nirman Bhavan, New Delhi-110011
2. The Director of Printing,
Directorate of Printing, Government of India,
Ministry of Urban Development,
Nirman Bhavan, New Delhi.
3. The Secretary to the Government of India,
Ministry of Finance,
(Department of Expenditure), New Delhi.
4. The Secretary to the Government of India,
Ministry of Home Affairs, New Delhi.

.. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

The application having been heard on 7.11.1997, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to set aside A-1 order dated 11.9.1996
and A-4 OM dated 19.1.1965, to direct the respondents to fix his
pay at Rs.75/- p.m. with effect from 27.11.1956 or at Rs.135/-
p.m. with effect from 30.5.1960 in terms of Order 16 of the Central

contd.

Civil Services (Fixation of pay of Re-employed Pensioners) Order, 1986 and pay him all consequential benefits including pensionary dues with 18% interest, and to direct the respondents to pay him an amount of Rs.10,000/- to compensate the sufferings and huge monetary loss caused to him on account of the wrong fixation of pay.

2. The applicant had served in the Territorial Army as Combatant Clerk for the period from 13.9.1950 to 22.4.1956. On his discharge from the Territorial Army, he was re-employed as Lower Division Clerk in the Government of India Press, Nasik on 27.11.1956. He was transferred to Government of India Press, Koratty on 18.10.1966. He retired on 28.2.1987. According to the applicant, he is entitled to get his pay fixed as per provisions contained in CCS (Fixation of pay of Re-employed Pensioners) Order, 1986.

3. In this OA, the applicant has admitted that he had filed OA No.998/90 to secure his payment of arrears of increments denied to him. Order in OA No. 998/90 is produced by the respondents and marked as R-2(A). From the same it is seen that in that OA the applicant claimed that he is entitled to re-fixation of pay from 27.11.1956 onwards as well as grant of all arrears based on CCS (Fixation of pay of Re-employed Pensioners) Order, 1986 as well as similar orders which were in force prior to that date. It has been found by this Bench of the Tribunal in the said OA that:

"There is no question of applying the Re-employment of Pensioners (Civilian & Ex-servicemen Rules) 1986 as those rules are applicable only from 1.7.1986".

So, there is a clear finding in R-2(A) that the applicant cannot avail of the provisions contained in Re-employment of Pensioners

contd.

(Civilian & Ex-servicemen Rules) 1986. If the applicant was aggrieved by that finding, he should have taken up the matter then in appeal, instead of coming forward with this fresh OA with the very same prayer. One cannot go on filing successive applications for the same relief.

4. In this OA, it is also prayed alternatively that the pay of the applicant may be fixed at Rs.135/- p.m. with effect from 30.5.1960 in terms of the provisions contained in CCS (Fixation of pay of Re-employed Pensioners) Order, 1986. It cannot be argued that the prayer for fixation of pay with effect from 30.5.1960 can be made in this OA for the reason that that prayer was available to the applicant when he filed OA No.998/90. When that prayer is not incorporated in that OA, he cannot come forward with another OA and it is hit by Order-II Rule-2 of the CPC.

5. The applicant has also made a prayer that he should be granted benefits including pensionary dues. In R-2(A), it has been clearly mentioned that:

"This issue was mentioned as an off-shoot when OAK 148/88 was disposed of, in which the main grievance was regarding non-accounting of military service towards the pension".

So, the question of pensionary dues was the subject matter of OAK 148/88. If the applicant was aggrieved by the order passed in OAK 148/88, he should have taken up the matter in appeal. He cannot agitate it in this OA.

6. The applicant seeks to set aside A-1 and A-4 on the basis of the provisions contained in CCS (Fixation of Pay of Re-employed Pensioners) Order, 1986. Since it has already been found in R-2(A) that the provisions of the said Order are not applicable

contd.



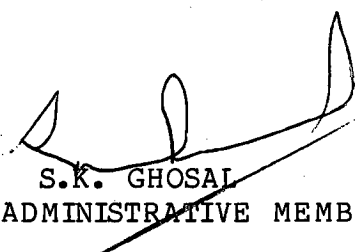
to the applicant and since it has become final, the applicant is not entitled to get A-1 and A-4 orders quashed.

7. There is also a prayer for compensation. This Tribunal has got no jurisdiction or authority to grant compensation. Hence, this prayer cannot be granted.

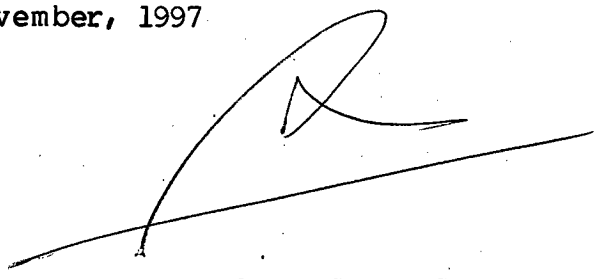
8. This is a case where the issues are already covered by the decisions in OA No.998/90 and OAK 148/88. It is quite unfortunate that the applicant has again approached the Tribunal.

9. Accordingly, the original application is dismissed with costs which we fix at Rs.500/- (Rupees Five Hundred).

Dated the 7th of November, 1997



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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