

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. 335/2006

This, the 23rd day of December, 2008

Hon'ble Mr. M. Kanthaiah, Member (J)
Hon'ble Dr. A. K. Mishra, Member (A)

V. B. L. Srivastava, aged about 70 years, son of late Sri K.B. Srivastava, retired works Manage, Carriage and Wagon Workshop Northern Raiwlay, alambagh, Lucknow residing at 557/24-Ka-/3-Ka Om Nagar, Alambagh, Lucknow.

Applicant.

By Advocate Sri A. K. Mishra.

Versus

1. Union of India through its General Manager, Northern Raiwlay, Head Quarters Officer, Baroda House, New Delhi.
2. Chief Works Manager, Carriage and Wagon Workshop, Northern Railway, Alambagh, Lucknow.
3. F.A. & C.A.O. Alambagh Northern Railway Alambagh, Lucknow.

Respondents.

By Advocate Sri Praveen Kumar for Sri Anil Srivastava.

Order

By Hon'ble Mr. M. Kanthaiah, Member (J)

Applicant has filed the O.A. claiming interest on the delayed refund amount of Rs. 15,164/- and also to refix the pay of the applicant on parity with Sri K.L. Dhengra and Sri Mohan Singh.

2. The respondents have filed counter reply denying the claim of the applicant stating that the claim of the applicant falls within the ambit of principles of res-judicata and also barred by limitation.

3. The applicant has filed Rejoinder Reply, denying the stand taken by the respondents and also reiterated the pleas taken in the O.A.

4. Heard both sides.

5. The point for consideration is whether the applicant is entitled for the relief as claimed for.

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6. The admitted facts of the case is that the applicant earlier filed O.A. No. 636/95 on the file of this Tribunal claiming for refixation of pay in Group B' Senior Scale on the date of promotion in the senior scale i.e. 31.3.1983 instead of 30.12.1983 and other reliefs. After completion of pleadings and after hearing both sides, the said O.A. was disposed of on 25th March, 2004 with a direction to the respondents that in the event the recovery has been effected, the entire amount should be refunded to the applicant within two months and in so far as refixation w.e.f. 31.3.1983 is concerned, for which applicant, if prefers a representation to the respondents, the issue regarding pay fixation at par with K.L.Dhingra and Mohan Singh would be examined by them by passing a speaking and detailed order within three months from the date of receipt of this order. The Tribunal also observed that they are not satisfied as to the claim of the applicant to refix his pay w.e.f. 31.3.1983. Annexure A-4 is the copy of such order in O.A. No. 636/95. In compliance of order, the respondents have refunded an amount of Rs. 12,589/- on 5.9.2005 and another amount of Rs. 2475/- on 13.2.2006 through cheques, which is Rs. 15,164/- . Now, by way of this O.A., the applicant is claiming interest on the said amount of Rs. 15,164/- which was refunded to the applicant.

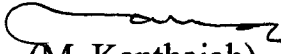
7. Admittedly, while allowing the said claim of the applicant in earlier O.A. No. 636/95, this Tribunal has not granted any interest upon such amount and in such circumstances, the applicant is not at all justified to make such claim on the ground of delayed refund of his amount. Thus, the claim in respect of interest on the refunded amount of Rs. 15,164/- as claimed by the applicant is not at all maintainable.

8. In respect of 2nd relief to refix the pay of the applicant, this Tribunal has already gave findings in its earlier judgment in O.A. No. 636/95, declining for such refixation and also directed the applicant to make representation in respect of issue regarding pay fixation at par with K.L. Dhingra and Mohan Singh and in such circumstances, again re-agitating the same issue is not at all maintainable and the principles of res-judicata is equally apply in this case and thus the said claim of the applicant is also rejected.

9. In view of the above circumstances, there are no merits in the claim of the applicant and as such the same is liable for dismissal.

10. In the result, O.A. is dismissed. No costs.


(Dr.A.K. Mishra)
Member (A)


(M. Kanthaiah)
Member (J)
23.12.08

HLS/-