

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 12 SEP 1988

APPLICATION NO.

992

/87(F)

W.P. NO.

Applicant(s)

Shri T.K. Nagaraja Rao  
To

Respondent(s)

V/s

The Chief Engineer, MES, Southern Zone,  
Madras & 2 Ors

1. Shri T.K. Nagaraja Rao  
201, III Cross  
Vivek Nagar  
Bangalore - 560 047
2. Shri S. Ranganatha Jois  
Advocate  
36, 'Vagdevi'  
Shankarapuram  
Bangalore - 560 004
3. The Chief Engineer  
Military Engineering Service  
Southern Zone, St. George Road  
Fort  
Madras - 600 006

4. The Commander Works Engineer  
Military Engineering Service  
Dickenson Road  
Bangalore - 560 042
5. The Engineer-in-Chief  
Army Headquarters  
Kashmir House  
New Delhi - 110 011
6. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/~~INTERIM ORDER~~  
passed by this Tribunal in the above said application(s) on 6-9-88.

Encl : As above

DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 6TH DAY OF SEPTEMBER, 1988

Present Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 992/87

Shri T.K. Nagaraja Rao,  
S/o T. Krishna Rao,  
Major, Retd. Superintendent,  
R/o.No.201, III Cross,  
Vivek Nagar, Bangalore-47.

... Applicant.

(Shri S. Ranganath Jois, Advocate)

v.

1. The Chief Engineer,  
Military Engineering Services,  
Southern Zone, St. George Road,  
Fort, Madras.

2. The Commandant Works Engineer,  
Military Engg. Services,  
Dickenson Road, Bangalore.

3. The Engineering Chief,  
Army Head Quarters,  
Kashmir House, New Delhi.

... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day,  
Vice-Chairman made the following:

ORDER

This is an application made by the applicant under  
Section 19 of the Administrative Tribunals Act, 1985.

2. The applicant who has retired from service as  
early as on 31.10.1981, claims for treating his ad hoc  
service from 27.7.1971 to 19.6.1980 as regular service  
for purposes of promotion, pay fixation and all other  
consequential benefits flowing from the same, on the




basis of an order made by the Madras Bench of this Tribunal on 5.12.1986 in T.A. Nos. 177/86 and connected cases V. BALACHANDRAN AND OTHERS v. UNION OF INDIA AND OTHERS decided on 5.12.1986 followed by the Bombay Bench of O.A. No.521/87 A.G. JOGLEKAR v. UNION OF INDIA AND OTHERS decided on 9.2.1988. But in claiming these benefits, the applicant really wants us to overcome an earlier decision rendered against him by this Bench in A.No.247/86 decided on 1st October, 1986, rejecting the very claim made in this application.

3. In their reply, the respondents have inter alia resisted this application as barred by res judicata and limitation.

4. Shri S. Ranganath Jois, learned counsel for the applicant contends that on the principles enunciated by Madras and Bombay Benches the claim made by his client was unanswerable and calls for our acceptance.

5. Shri M.S. Padmarajaiah, learned Senior Standing Counsel appearing for the respondents contends that the claim, were barred by res judicata and limitation.

6. We have carefully perused the earlier proceedings between the same parties in A.No.247/1986. In the earlier application the same claim was made and the same has been rejected by this Bench. If that is so, then the present claim is barred by res judicata. When that is so, question of this Tribunal applying the decisions of other Benches does not at all arise.



7. Even otherwise we are of the view that the applicant's claim which arose prior to 1.11.82 cannot be adjudicated by this Tribunal (vide in V.K. MEHRA v. THE SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING ATR 1986 CAT 203 and DR. (MRS) KSHAMA KAPUR v. UNION OF INDIA (1987) 3 ATC 329).

8. On any view, this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN

6/4/88

Sd/-

MEMBER (A)

6-10-988



TRUE COPY

*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE