

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 384/93

Transfer Application No: --

DATE OF DECISION: 3-6-94

M. Kupendra & Ors. Petitioner

Mr. G. S. Walia Advocate for the Petitioners

Versus

U.O.I. & Ors. Respondent

Mr. N. K. Srinivasan Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M. S. Deshpande, V.C.

The Hon'ble Shri --

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

M


(M. S. DESHPANDE)
VC

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.384/93

M.Kupendra & Ors. .. Applicants

-versus-

Union of India & Ors. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande,
Vice-Chairman

Appearances:

1. Mr.G.S.Walia
Counsel for the
Applicants.
2. Mr.N.K.Srinivasan
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 3-6-94
(Per M.S.Deshpande, V.C.)

By this application the six applicants claim regular pay scale of Rs.750-940(RPS) w.e.f. the date on which they came to be appointed as Table Boys in the Carshed Canteen as mentioned in para 4.1 of the application i.e. periods varying from 11-1-85 to 5-3-89.

2. The applicants had earlier moved the Tribunal in O.A.562/90, M.Kupendra and Ors. vs. Union of India & Ors. which came to be decided on 4-7-91 by giving a direction to the respondents to consider the case of the applicants for regular absorption in accordance with law against existing vacancies or against vacancies that arise immediately thereafter, in case no vacancy existed on the date of the order.

The learned counsel for the respondents pointed out that the prayers in that application were (a) this Hon'ble Tribunal be pleased to order and direct the respondents to regularise the applicants against permanent vacancy created pursuant to office memorandum dated 25-6-90 w.e.f. 26-6-90; and (b) this Hon'ble Tribunal will be pleased to order and direct the respondents to pay a regular scale of Rs.750-940(RPS) to the applicants from the said date i.e. 26-6-90 with all consequential benefits such as increment, seniority etc. After the application was decided the applicants took out a contempt petition but that was rejected with liberty to the applicants to file a separate O.A. By the present O.A. the applicants urge that they were screened and appointed w.e.f. 24-4-92. There is no dispute about the fact that they are being paid on regular basis w.e.f. that date. The submission is that the payment should be made of the salary on the basis of the circular dated 18-5-90, Ex. 'C', to the application w.e.f. 1-4-90.

3. Two submissions were made on behalf of respondents. One was that the applicants had made a prayer in the earlier application for payment for the period from 26-6-90, which was not granted. Secondly, it was urged that the relief would be barred by time because the present application was



filed on 12-4-93 and no relief can be claimed in respect of period exceeding one year u/s. 21 of the Administrative Tribunals Act and all that applicants could have claimed would be wages ~~for~~ after 12-4-93 only.

4. Shri Walia, Counsel for the applicants urged that the right to relief ~~was~~ arose out of circular dated 18-5-90 and by the earlier decision the applicants became entitled to the monetary benefits under the circular dated 18-5-90 and therefore the entire claim would be within the time.

5. It is difficult to accept this submission. In the earlier application the applicants had claimed the monetary relief and it had not granted and ^{that} must be deemed to have been rejected. No separate O.A. can be filed for claiming the same relief. Secondly, the applicants would not be entitled to any monetary relief for a period exceeding one year prior to the filing of the application. In the present case applicants were paid on regular basis during the period of one year prior to the filing of the present application. The submission of Shri Srinivasan, counsel for respondents, therefore, have to be upheld. There is no merit in this application which is dismissed and there will be no order as to costs.

(M.S.DESHPANDE)
Vice-Chairman