

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, 4th FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO.634/98.

DATED THE 6TH DAY OF APRIL, 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S.Baweja, Member(A).

T.N.Ramachandran Iyer,
(Ex.GSK, Government of India Press,
Koratty)
Pensioner, D2/304, Lok Rachana,
Amarnagar, Mulund(West),
Mumbai - 400 082.

... Applicant.

V/s.

The Secretary to the Government of India,
Ministry of Urban Affairs and Employment,
Department of Urban Development,
Nirman Bhavan,
New Delhi-110 011.

... Respondent.

By Advocate Shri R.R.Shetty for
Shri R.K.Shetty.

I O R D E R

I Per Shri R.G.Vaidyanatha, Vice Chairman I

This is an application filed by the applicant seeking fixation of his pay at Rs.75/-p.m. with retrospective effect from 27/11/56 and other consequential reliefs. Respondents have filed reply opposing the application. We have heard the applicant who has appeared in person and the learned counsel Shri R.R.Shetty for Shri R.K.Shetty for Respondents on the question of admission of application.

2. The applicant's case is that formerly he was a combatant clerk in the Territorial Army from 1950 to 1955 and after his discharge from Territorial Army, he was re-employed on 27/11/1956 as IDC in the Government of India Press, Nasik functioning under the Directorate of Printing. He retired from service on Superannuation on 28/2/1987. His grievance is that when he was re-employed on 27/11/56, his past service in the Territorial Army should have been taken into consideration for fixing his pay in higher scale and secondly he wants a direction to the respondents to fix his pay at Rs.75/-p.m. with

retrospective effect from 27/11/56 and consequential reliefs.

3. The respondents in their reply have asserted that the applicant is not entitled to fixation of pay at Rs.75/-p.m. Then, they have further stated that the application is hopelessly barred by Principles of Res Judicata in view of number of applications filed by applicant which came to be dismissed by different Benches of the Tribunal.

4. After going through the materials on record and having heard both sides, we find that the application is barred by Principles of res judicata. The first case filed by applicant for **fixation of pay** was ~~vide~~ OA-148/88 before Ernakulam Bench which was disposed of by order dated 29/10/90. The applicant was given some relief regarding retirement benefit but ^{or} his claim for re-fixation of pay, a direction was given to the Government to consider the case of the applicant on the basis of the letter dated 11/6/1985.

Then applicant filed OA-998/90 ~~for~~ identical reliefs before Ernakulam Bench. That application was disposed of by Ernakulam Bench ^{by} ~~vide~~ order dated 27/2/91 by allowing the application partly and granting some retirement benefits. As far as the applicant's claim for fixation of pay at Rs.75/-p.m., it was rejected by the observations made in para-11 of the judgement. Being aggrieved by this order, the applicant ~~has~~ filed a review application for identical prayer in OA-998/90 that he is entitled to fixation of pay of Rs.75/-p.m. and the observations of the Division Bench rejecting that prayer is erroneous. The Tribunal rejected the review application. Therefore, the identical prayer has been rejected by the Ernakulam Bench and the order has become final. Notwithstanding this, the applicant filed one more OA, OA- 258/92 at Jabalpur, a copy of the original application has been filed by respondents. Though many reliefs were asked for, one of the prayer was for fixation of pay. The applicant admits before us today that

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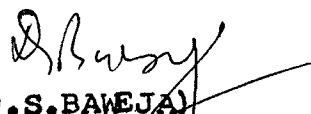
OA-258/92 came to be dismissed by Division Bench of Jabalpur. Then the applicant filed one more OA before Ernakulam Bench OA-No.132/97 where he again asked for identical reliefs of fixation of pay. That Tribunal dismissed the application as not maintainable on the ground that identical prayer ^{having} ~~has~~ been rejected earlier by Tribunal in OA-998/90. As the applicant is in the habit of filing frivolous applications, the Tribunal dismissed the OA with cost of Rs.500/-. In spite of this, the applicant has again approached this Tribunal for identical reliefs of fixation of pay at Rs.75/- p.m. which has been consistently rejected by all three Division Benches by three judgements mentioned above. The applicant has the audacity to allege that he has not filed any previous original application pertaining to this matter as can be seen from the allegation in para-7 of the application.

5. In our view the applicant has been ~~successfu~~ filing number of applications for identical prayers of fixation of pay of Rs.75/-p.m. from 27/11/56. In our view the present OA is hopelessly barred by Principles of Res Judicata and liable to be rejected summarily.

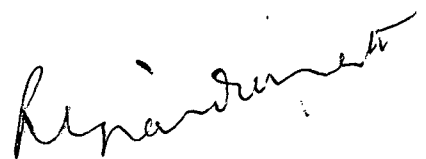
6. Even on merits, we find that the stand of administration is covered by number of Government Circulars which clearly says that a person in the position of applicant is not eligible for fixation of pay. Anyhow, we are not going into the question in detail.

Though we are inclined to impose cost on the applicant, ^{having} ~~with~~ regard to old age of the applicant, we are not inclined to impose any cost.

7. In the result, the application is rejected at admission stage. However, there will be no orders as to costs.


(D.S. BAWEJA)
MEMBER (A)

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO. 19/99 IN O.A. 634/98.

Dated this Wednesday, the 5th day of May, 1999.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha,
Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

T. N. Ramachandran Iyer ... Review Applicant

Versus

The Secretary to the
Government of India,
Ministry of Urban Affairs. ... Respondents.

Tribunal's Order on Circulation :

{ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN }


This is a review petition filed by the applicant seeking review of our order dated 06.04.1999 in O.A. No. 634/98. We have perused the review petition and the entire case file.


2. The applicant's grievance is that he is not given proper fixation of pay when he joined the service in 1956 on the ground that his erstwhile service of five years in the Territorial Army has not been taken into consideration while fixing his pay as L.D.C. in 1956. We have rejected the application by our order dated 06.04.1999 mainly on the ground that it is barred by principles of resjudicata. The applicant has been filing application after application, before one Tribunal or other Tribunal claiming identical reliefs. We have pointed out in our order that applicant's present claim

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was rejected by the Ernakulam Bench of the Tribunal vide order dated 29.10.1990 in O.A. No. 148/88. Again the applicant filed one more O.A. No. 998/90 before the same Ernakulam Bench for the same relief and the application was dismissed by order dated 27.02.1991. Then the applicant filed a review petition there and it came to be rejected. The applicant filed one more O.A. No. 258/92 before Central Administrative Tribunal at Jabalpur Bench and that also came to be dismissed. In spite of all these three orders against him, the applicant filed the present O.A. for identical reliefs which we have rejected by our order dated 06.04.1999. The applicant in the review petition again reiterates the same grounds as to how he is entitled to fixation of pay when he joined the service are L.D.C. In our view, the applicant cannot be permitted to go on filing application after application for identical reliefs. There is no apparent error or justifiable reasons for reviewing our order. There is no merit in the review petition.

3. In the result, the review petition is rejected by circulation.


(D. S. BAWEJA)
MEMBER (A).


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.