

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 842/1998.

Monday, this the 12th day of October, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Baweja, Member(A).

T.N.Ramachandran Iyer,
D2/304, Lok Rachana,
Amar Nagar, Mulund (W),
Mumbai - 400 082.

... Applicant.

V/s.

1. The Secretary to the Govt. of India, Ministry of Urban Affairs and Employment, Department of Urban Development, Nirman Bhavan, New Delhi - 110 011.
2. Shri K.C.Shivaramakrishnan, Ex. Secretary to the Govt. of India, Ministry of Urban Development, C/o. Centre for Policy Research, Dharma Marg, Chanakya Puri, New Delhi - 110 021.

... Respondents.

O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicant under section 19 of the Administrative Tribunals Act, 1985. We have heard the applicant who argued for admission.

2. The applicant's grievance is that he did not get proper scale of pay as recommended by the Pay Commission. He had earlier filed O.A. No.K245/87 in the Ernakulam Bench of this Tribunal. The Tribunal by order dt. 9.2.1990 disposed of the O.A. giving a direction to the Government to consider the representation of the applicant and pass appropriate orders within a period of four months. Subsequently, the Government passed an order rejecting the representation of the applicant by a lengthy order dt. 19/20-7-1990. In the meanwhile, the applicant had filed a Contempt Petition against the Government for not disposing of the representation

within a particular time and also not passing order as directed by the Tribunal. The Ernakulam Bench of the Tribunal dismissed the Contempt Petition on the ground that the matter agitated does not fall within the contempt jurisdiction and the applicant's cause of action is independent and separate to challenge the order by filing a separate O.A. Then it is also seen that the applicant filed O.A. No.1207/91 asking for identical relief viz. that he must get a higher grade of salary. Though the application was dismissed by the Ernakulam Bench of the Tribunal, the applicant preferred an SLP in the Supreme Court which came to be summarily rejected. Then the applicant had filed a Review Petition in the Supreme Court and it was also dismissed. In the meanwhile, the applicant made some more representations to the Government making a grievance that the order passed by the Government is not proper and proper authority has not passed that order.

3. Now in this third round of litigation the applicant's grievance is that the Government has not passed orders on his repeated representation, in particular representations dt. 14.3.1998 and 17.3.1998. Therefore, the applicant has approached this Tribunal seeking a direction to the Government to dispose of these two latest representations, or at least pass a fresh order on his earlier representation dt. 23.3.1990.

4. After hearing the applicant who argued his case in person and perusing the materials on record we do not find that any case is made out for admitting the application. The applicant's grievance has been considered and rejected by the Government as long back as in July, 1990. If the applicant is aggrieved by that order he should have challenged the same within one year. He cannot go on

referred
sending representations and then come to this Tribunal in 1998 stating that his latest two representations are not disposed of by the Government. Therefore, on the face of it the application is hopelessly barred by limitation and the O.A. is liable to be rejected summarily.

5. Even on merits, we find that in the previous case after the impugned order dt. 19/20-7-1990 the applicant had filed a O.A. viz. C.A. No.1207/91 and that has been dismissed and even the SLP has been dismissed and therefore the applicant cannot have the luxury of one more round of litigation agitating the same point once again. Even on this ground, we do not find any merit in the O.A.
6. In the result, the O.A. is rejected at the admission stage. No costs.

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

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE - CHAIRMAN

B.