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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.841/92

date of decision : 22-10-92

Mohd. Sharfuddin : Applicant

versus

The General Manager
Ordnance Factory Project
Govt. of India, Min. of Defence
Yeddumailaram 502205
Medak District.

: Respondent

Counsel for the applicant : D. Panduranga Reddy
Advocate

Counsel for the respondent : M. Keshava Rao, Standing
Counsel for Central Govt.

CORAM

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON. MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

JUDGEMENT

(As per Hon. Mr. R. Balasubramanian, Member (Admn.)

This OA is filed by Mohd. Sharfuddin, praying for a direction to the respondents to pay arrears of salary to the applicant for the period during which the applicant was out of service and also direct the respondents to give all consequential benefits to the applicant like seniority, promotion, increment etc. and pass such other order or orders as this Hon. Tribunal may deem fit, and proper in the circumstances of the case.

2. When this case was taken up, the Bench observed that the applicant had already filed OA.426/90. The prayer in that OA was that the order of termination be set aside and as a consequence continue him in service namely fitter. That case was

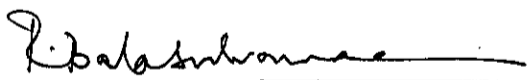
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decided on 5.3.1991 and the Bench quashed the illegal termination order and also allowed the application. It is therefore clear that the present O.A. is clearly hit by resjudicata.

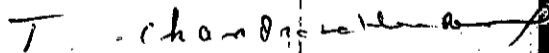
3. This application is not barred with regard to the reliefs we are thinking to grant to the applicant, since matters like seniority, pay fixation etc., are continuous causes of grievances. ~~and~~ The Bench therefore directs the respondent that while treating the termination period as duty in accordance with the direction given earlier on 5.3.1991 while arrears are not payable for the entire period, the following are due to the applicant and accordingly direct them to:

- (a) fix his seniority treating the entire period as duty.
- (b) fix his pay notionally during the entire period of duty after sanctioning increments due to him in the normal course
- (c) pay him arrears consequent to such pay fixation and limit arrears to a period subsequent to 24.9.1991 i.e., one year prior to the date of filing this O.A.

4. With the above directions, we dispose of this O.A. with no order as to costs.



(R. Balasubramanian)
Member (Admn).



(T. Chandrasekhara Reddy)
Member (Judl).

Dated: 22nd Oct., 1992.

(Dictated in the Open Court).


Deputy Registrar (J)

To

1. The General Manager, Ordnance Factory Project
Govt. of India, Min. of Defence,
Yeddumailaram-502205, Medak Dist.
2. One copy to Mr. D. Panduranga Reddy, Advocate, CAT. Hyd.
3. One copy to Mr. M. Kesava Rao, Addl. CGSC. CAT. Hyd.
4. One spare copy.

pvm.

P. Alamy
14/10/92

TYPED BY _____ COMPARED BY _____
CHECKED BY 2 APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR .

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 22-10-1992

ORDER/JUDGMENT:

R.A. /C.A. /M.A.No

in

O.A.No.

841/92

T.A.No.

(wp.No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

pvm

