

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
O.A.No.179/96

Date of order: 28/9/99

P.S.Saxena, S/o late Shri Madan Mohan Lalji Saxena,
R/o House No.22/57, Inside Usrigate, Ajmer, retired
as Head Clerk.

..Applicant.

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Dy.Controller of Stores, Western Railway, Ajmer Division, Ajmer.

..Respondents.

Mr.R.N.Mathur) Counsel for applicant.
Mr.P.P.Mathur)
Mr.J.D.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application, the applicant makes a prayer to direct the respondents to give all consequential benefits to him on account of his promotion on the post of Chief Clerk, on the post of Office Superintendent and on the post of Assistant Controller of Stores and to pay interest on the delayed payment.

2. In brief the facts of the case as stated by the applicant are that the applicant was reverted by the orders of respondent No.2 vide order dated 11.7.83. He filed a Civil Suit before the Munsif (West) Ajmer, which was transferred to this Tribunal and this Tribunal vide order dated 29.7.93 set aside the reversion order and the respondents were directed to grant all consequential benefits. It is stated that in compliance of the order, the respondents has only given the benefit to the applicant upto the post of Head Clerk whereas the promotion of the applicant for the post of Chief Clerk, Office Superintendent and for Group-B post was not considered. The applicant was entitled for promotion on the post of Chief Clerk w.e.f. September 1974, Office Superintendent w.e.f. 1.1.84 and further promotion to Group-B post. It is also stated that a Contempt Petition was filed by the applicant before this Tribunal and while disposing of that Contempt Petition this Tribunal expressed the opinion that the applicant can agitate of the matters pertaining to the consequential benefits by filing a separate O.A. Hence this O.A was filed for the relief as mentioned above.

3. Reply was filed. It is stated by the respondents in the reply that the applicant was retired on 31.10.84 and filed this O.A in the year 1996, therefore, the claim of the applicant is hopelessly barred by limitation. The applicant was given all the benefits after the orders of the Tribunal dated 29.7.93, treating him on the post of Head Clerk upto 31.10.84 and no such direction was given by the Tribunal for promotion of the applicant to the post of Chief Clerk, Office Superintendent and Group-B post. It is admitted that a Contempt Petition was filed and while disposing of that Contempt Petition, this Tribunal has only observed that the direction regarding consequential benefits were specific and accordingly the Contempt Petition was dismissed and nothing was observed in the order to agitate all the matters regarding consequential benefits by way of a separate O.A. Therefore, all the claims made by the applicant are stale claims and barred by limitation. Therefore, this O.A is devoid of any merit and liable to be dismissed.

4. Rejoinder has been filed, which is on record.

5. Heard the learned counsel for the parties and also perused the whole record.

6. By this O.A, the applicant sought direction to the respondents to give him all consequential benefits in view of his promotion on the post of Chief Clerk w.e.f. September 1974, Office Superintendent w.e.f. 1.1.84 and further promotion on Group-B post and this O.A was filed on 8.3.96. Therefore, the claim of the applicant for promotion to the aforesaid posts at such a belated stage is hopelessly barred by limitation.

7. The applicant has already gone in litigation and T.A No.322/92 was decided by this Tribunal on 29.7.1993 and this Tribunal held that:

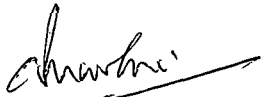
"In the circumstances, we hold that the order of reversion dated 11.7.83 is bad in law. It is hereby quashed. The applicant shall be treated as continuing on the post of Head Clerk from the date of his original appointment and till his superannuation on 31.10.84. He shall also get all consequential benefits such as arrears of pay and pensionary benefits. The respondents are directed to grant all these benefits to the applicant within a period of 4 months from the date of receipt of this order."

8. The applicant was given all the benefits regarding arrears of pay and pensionary benefits treating him holding the post of Head Clerk, till 31.10.84. There is no specific direction in the order dated 29.7.93 regarding consideration of the applicant for promotion to the higher post. The contempt Petition filed by the applicant was also disposed of

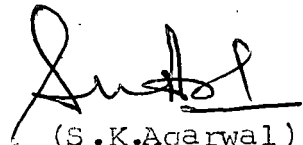
vide order dated 19.12.95 and this Tribunal did not express any opinion in that order that the applicant can agitate all the matters regarding consequential benefits by filing another O.A.

9. In view of above all, this O.A devoid of any merit which is liable to be dismissed.

10. We, therefore, dismiss this O.A with no order as to costs.



(N.P.Nawani)
Member (A).



(S.K.Agarwal)
Member (J).