

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Applications No 243 of 2004

Indore, this the 19th day of June, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Smt. Padma Bai, widow of
Late Gangaram, aged about 66 years,
Retired as Reja Under PWI, S.E. Rly
(Now SECR Railway) Baradwar,
Resident at LIG – 99
Deorikhurd, Bilaspur
(Chhattisgarh)

Applicant

(By Advocate – None)

V E R S U S

1. Union of India, through : The
General Manager, South
Eastern Central Railway,
Bilaspur Zone Bilaspur (CG)
2. The Divisional Railway
Manager, South Eastern
Central Railway, Bilaspur
Division Bilaspur (CG)
3. The Senior Divisional
Engineer (Co-ordination),
South Eastern Central
Railway, Bilaspur Zone,
Bilaspur (Chhattisgarh)
4. The Chief Permanent Way
Inspector, South Eastern
Central Railway, Bilaspur
Division Bilaspur (C.G.)

Respondents

(By Advocate – Shri M.N. Banerjee)



O R D E RBy Madan Mohan, Judicial Member-

By filing this Original Application, the applicant has sought the following main reliefs :-

“8.1to pass a direction to the non-applicants, for payment of pension to the applicant w.e.f. 1.10.1995.

8.2 ...to pass another direction to the non applicant to revise the pension in view of Fifth Pay Commission recommendations.

8.3 ...to pass another direction to the non-applicant to pay the interests at the rate of 18% per annum for the delayed amount of pension.

2. The brief facts of the case are that the applicant was initially employed on 26.9.1972 as Reja under permanent way Inspector, Baradwar, in the Engineering Department in the Bilaspur Division. She attained temporary status in the year 1973. According to the applicant, she appeared for screening test and was empanelled for regularisation in class IV category. After attaining permanent status, and having served continuously she became entitled to get the Terminal benefits like pension, DCRG, PF Gratuity and also pensionary benefits under the Railway Rules. She retired on attaining the age of superannuation on 30.9.1995. The applicant contended that the respondents paid only gratuity and P.F and denied for pensionary benefits like pension, DCRG etc. whereas, she was entitled for pension w.e.f. 1.10.1995. She submitted a representation on 1.3.1997 (Annexure-A-3) requesting therein for pay fixation arrears and pension etc. Thereafter, she served a legal notice dated 9.5.1997 (Annexure-A-4) and thereafter several representations have been sent to the respondents but, no action has been taken by the respondents. Hence, she filed OA No.287/2003 which was withdrawn by her with a liberty to file a fresh OA. Thereafter, the applicant made all efforts



and approached the respondents many times for pensionary benefits. However, the respondents have not taken any action in this regard. Hence, this OA.

4. None is present on behalf of the applicant. Since, it is an old matter of the year 2004, we are disposing of this OA by invoking the provisions of rule 15 of Central Administrative Tribunal (Procedures) Rules, 1987. Heard the learned counsel for the respondents and carefully perused the records.

2. The learned counsel for the respondents has submitted that the reliefs claimed by the applicant in this OA had already been claimed by her in an earlier OA No.287/03 filed by the applicant. That OA was disposed by the Tribunal vide order dated 24.9.2003. In the present OA also, the applicant is seeking the same reliefs i.e. payment of pension w.e.f. 1.10.1995 and to revise pension in view of Vth Pay Commission recommendations and, therefore, this OA is barred by the principle of res judicata and is not maintainable.

3. We have given our careful consideration to the rival contentions and we find that in the earlier OA No.287/03, the applicant had claimed the following reliefs:

“8.1 That the Hon’ble Tribunal be pleased to pass a direction to the non-applicants, for payment of pension to the applicant w.e.f. 1.10.1995.

8.2 That, the Hon’ble Tribunal be pleased to pass another direction to the non applicant to revise the pension in view of Vth Pay Commission recommendations.

8.3 That, the Hon’ble Tribunal be pleased further to pass another direction to the non-applicant to pay the interests at the rate of 18% per annum for the delayed amount of pension.”

4. In the present OA also, the applicant has claimed the same reliefs.



5. The reliefs claimed by the applicant in the present OA have already been claimed by her in earlier OA 287/03 and that OA has been adjudicated and disposed of on 24.9.2003 by the Tribunal with a liberty to the applicant to file a fresh OA with necessary relief. However, in the present OA the applicant has sought the same reliefs. Hence, this OA is not maintainable as it is barred by the principle of res judicata. Accordingly the OA is dismissed as not maintainable.

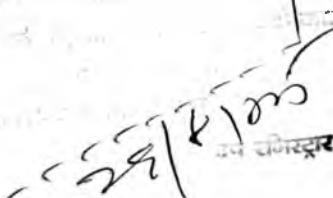

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

skm

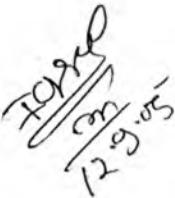
प्रकाशन सं. ओ/न्वे.
प्रतिलिपि ३१०३/०३
(1) साधा, उच्च न्यायालय, न्यायालय, न्यायालय
(2) आदेशालय, न्यायालय, न्यायालय
(3) उच्चालय, न्यायालय, न्यायालय
(4) न्यायालय, न्यायालय, न्यायालय

Raghvan Jay Prakash
PN BJP
M.L. Benvee
PNP



Revised & applied Address

PN
12.3.05
JDR


PN
12.3.05