

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 8 of 1999

Jabalpur, this the 19th day of December, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. G. Shanthappa, Judicial Member

Preetam Singh Gill, Son of Late Shri  
Bishanram, aged about 54 years r/o  
Quarter No.570, Type-IV Sector-II  
Vehicle Factory Jabalpur Estate,  
Jabalpur(MP)

APPLICANTS

(By Advocate - Shri S. Paul)

VERSUS

1. The Union of India through the  
Secretary, Ministry of Defence,  
South Block, New Delhi.

2. The Chairman,  
Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta.

3. The General Manager,  
Vehicle Factory Jabalpur,  
Jabalpur(MP)

RESPONDENTS

(By Advocate - Shri B.da.Silva)

ORDER (ORAL)

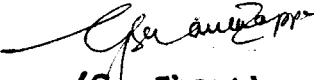
By G. Shanthappa, Judicial Member -

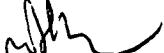
The above application is filed by the applicant seeking the relief for a direction to the respondents to fix the pay by taking into consideration of the special pay in lieu of separate higher pay scale under F.R.9(21)(a)(i) and for grant of consequential benefits including to reckon the special pay as part of basic pay as held by Central Administrative Tribunal, Bombay, in Original Application No. 232/89, decided on 13.12.93 or difference of the of the order of Hon'ble Tribunal of Principal Bench, Delhi, in case of petitioner in OA No. 38/89, dt. 9.8.91, or in the alternative the case be referred to the larger Bench to adjudicate the treatment of the special pay sanctioned in lieu of separate higher pay scale to the cadre of Asstt Foreman(NT)

2. The brief facts of the case are that while the applicant was granted special pay of Rs.100/- per month in lieu of duly sanctioned by the Government of India to the cadre of Assistant Foreman(NT) falls within the provision of F.R.9(21)(a)(i). The applicant had earlier approached the Principle Bench of this Tribunal in OA No. 38/89 decided on 9.8.91.vide Annexure-A-1. The Principle Bench of this Tribunal has rejected the claim of the applicant on the ground that the applicant did not complete the three years of service for grant of fixing the pay scale from 1.1.86. The applicant has not challenged the said order. The relief in this OA is decided by the Principle Bench of this Tribunal.

3. Subsequently in another case Bombay Bench of this Tribunal was granted the relief to the applicant in OA No. 232/89 decided on 13.12.93. The said judgment passed by the Single Member of the said ~~Judgment~~ <sup>Tribunal</sup> ~~Judgment~~ <sup>O.A.</sup> The grievance of the applicant in this case is since the Bombay Bench of this Tribunal has granted the relief counting the special pay and fixed the basic pay w.e.f 1.1.86, there was a discrimination has been shown to the applicant, accordingly this <sup>O.A.</sup> is filed to consider his case on the basis of the said order in OA No. 232/89.

4. Since the relief in this OA has already been decided by the Principle Bench of this Tribunal in OA No. 232/89, <sup>O.A.</sup> The applicant has approached this Tribunal with the same relief in this OA. Accordingly the relief of the applicant is <sup>applicable under</sup> the principle of res-judicata. Accordingly this application is not maintainable. Therefore, this application is liable to be dismissed on the ground of principle of res-judicata. Accordingly the OA is dismissed. No costs.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

शुद्धिकरण सं. औ/ला..... नालंपुर, दि.....  
शुद्धिकरण सं. औ/ला..... नालंपुर, दि.....

(1) रामेश्वर, शुद्धिकरण सं. औ/ला, नालंपुर  
(2) डिवाली, शुद्धिकरण सं. औ/ला, नालंपुर के काउंसल  
(3) गोपी, शुद्धिकरण सं. औ/ला, नालंपुर के काउंसल  
(4) चंद्रेश्वर, शुद्धिकरण सं. औ/ला, नालंपुर के काउंसल

S. Patel, Adm.  
B. Desai, Adm.

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Dec  
6/01/04

Revised  
6/01/04