

**THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET**

APPLICATION NO.: \_\_\_\_\_

Applicant(s) Mohd. Bashir Ahmed

Respondent (s) 202

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

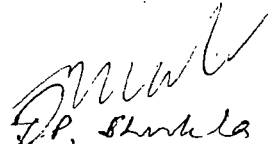
14.3.2008


OA 67/2008

Applicant present in person.

Heard the applicant, who is present in person

for the reasons detailed separately, the OA stands disposed of.

  
(G.P. Shukla)  
M(A)

  
(M.L. Chandra)  
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 14<sup>th</sup> day of March, 2008

ORIGINAL APPLICATION No. 67/2008

CORAM:

HON'BLE MR. M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. J.P.SHUKLA, ADMINISTRATIVE MEMBER

Mohd. Bashir Ahmed  
s/o late Mohd. Abdul Jabbar,  
retired Chief Postmaster,  
New Delhi GPO,  
r/o House No.867/51,  
Nai Basti,  
Lohakhan,  
Ajmer.


..Applicant

(Applicant in Person)

Versus

1. The Union of India through  
the Secretary to the Government of India,  
Department of Posts,  
Ministry of Communication,  
New Delhi.
2. The Chief Postmaster General,  
Rajasthan Circle,  
Jaipur

.. Respondents

(By Advocate: ----  


O R D E R (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

"i) That the humble applicant submits that he is entitled to step up his pay retrospectively from 31.5.1991 in HSG I or 23.12.1992 the date on which his junior Shri B.L.Bhambi was promoted to HSG I or postal supdt. Group 'B' services."

2. At the outset, it may be stated that the applicant has also earlier filed OA No.128/2001 in which one of the reliefs claimed by the applicant was as follows:-

"i) That the humble applicant submits that he does not challenge to earlier promotions of his juniors. The applicant humbly seeks the only relief is that he is entitled to step up his pay retrospectively from 31.5.91 in HSG-I or 23<sup>rd</sup> December, 1992 the date on which his junior Shri B.L.Bhambi was promoted to HSG-I or Postal Supdt. Group-B Service.

ii) .....

iii)..."

The said OA was dismissed by this Bench on the point of limitation as well as on merit, as can be seen from the findings recorded in para 12 and 13 of the judgment, which thus reads:-

"12. In our opinion, the OA is liable to be dismissed on the sole ground that the claim is barred by limitation. It may be that in the counter a specific plea of limitation has not been raised but the respondents cannot be debarred from raising the plea during the course of arguments, which is based on the provisions of law. The Apex Court time and again has held that if the claim is barred by limitation, the court cannot grant the relief. The applicant has also not filed MA for condonation of delay. Therefore, the OA is liable to be dismissed on the ground of limitation alone.

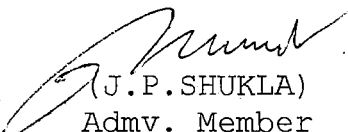
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13. Even on merits, the applicant cannot succeed. As already stated, the applicant has not challenged the promotions of his juniors and he only wants stepping up of his pay. Stepping up of pay can be granted on fulfilling certain conditions. One of the conditions for stepping up under OM dated 4.2.66 or OMs issued on the same subject subsequently under FR-22C, now FR-22 (1)(a)(i) is that both the junior and senior officers belonged to the same cadre, and the posts to which they have been promoted or appointed should be identical and in the same cadre. Admittedly, the applicant was never promoted or appointed on the post of HSG-I on which the juniors are said to have been promoted. Therefore, he cannot claim stepping up. So also, the second ground for stepping up is that the scales of pay of the lower and higher posts for which the employees are entitled to draw should be identical. Admittedly, the pay scale of the post of HSG-I and that of the applicant on the post of PSS Group-B was not identical. That being so, the applicant cannot get stepping up of pay."

3. Thereafter, the applicant has filed Review Application which was registered as 07/07 after a lapse of about 5 years. The said Review application was also dismissed by this Tribunal vide order dated 12<sup>th</sup> October, 2007 on the ground that the same cannot be entertained being time barred and also on merit that what the applicant by way of the Review Application seeking is rehearing of the case as according to the applicant, the judgment rendered by this Tribunal is erroneous in view of the judgment rendered by the Hon'ble Apex Court and High Court and it was observed that review is not a remedy and in case the judgment was wrong the remedy was available to the applicant to challenge the judgment before the higher forum.

5. Now the applicant has again filed this OA thereby seeking the same relief of his claim for stepping up of his pay at par with his junior which was one of the reliefs claimed by him in the earlier OA. According to us, the present OA is wholly misconceived and it amounts to abuse of process of the Court, besides being barred by the principles of res-judicata. We would have imposed exemplary cost on the applicant for resorting to such type of litigation repeatedly despite the fact that the applicant was apprised by this Tribunal while dismissing the Review Application that remedy against the earlier judgment lies before the higher forum, but since the applicant is pensioner and retired employee, we leave the matter here.

6. For the foregoing reasons, the OA is dismissed at admission stage with no order as to costs.

  
(J.P. SHUKLA)  
Admv. Member

  
(M.L. CHAUHAN)  
Judl. Member

R/