

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 2916/2003

New Delhi this the 4th day of August, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Mahavir Singh,
S/o Shri Raghuvir Singh,
Working as Luggage Porter (Despatcher)
Railway Station Delhi Main - Applicant

(Applicant in person)

VERSUS

1. Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi
2. The Divisional Railway Manager,
Northern Railway,
Delhi Division,
DRM Office, Paharganj,
New Delhi - Respondents

(By Advocate: Mr. Shailendra Tiwary)

O R D E R (Oral)

Mr. P.K. Basu, Member (J):

Heard the applicant – Shri Mahavir Singh in person.

2. The facts are that the applicant was a constable in RPF. He was medically decategorised on 22.08.1995. His initial scale of pay (IVth CPC) was Rs.825-1200. From 01.01.1996, this was revised to Rs.2750-4400 (Vth

CPC). The scale of RPF constable was later upgraded to Rs.3050-4590 w.e.f. 04.12.1997.

3. The case of the applicant is that the respondents had been paying him salary in the scale of Rs.3050-4590 till 06.11.2000, but thereafter, his pay had been fixed in the lower scale of Rs.2750-4400. His prayer is that his original pay scale of Rs.3050-4590 should be restored and pay fixed accordingly.

4. Learned counsel for the respondents states that after decategorization, the applicant had been posted as Luggage Porter in the grade of Rs.2550-3200. On 10.07.1998, the applicant challenged this in OA No. 1720/1998 and vide order dated 12.11.1999, the OA was disposed of directing the applicant to accept the alternative appointment of Luggage Porter. The applicant moved to the Hon'ble High Court in CWP No.2505/2000, which was also dismissed by the Hon'ble High Court. The applicant filed another OA No. 3043/2002 before this Tribunal on the same prayer, which was disposed of on 22.11.2002 with the direction to the respondent to dispose of the applicant's representation dated 11.06.2002 through a speaking order. The speaking order was issued on 02.05.2003. The applicant filed CP No. 320/2003 alleging non-compliance of CAT's order.

However, this CP was dismissed on 23.10.2003. In the fourth round of litigation, OA No. 2957/2011 was filed by the applicant, which was dismissed by this Tribunal vide order dated 17.08.2011 as it was barred by principle of *res judicata*.

5. The argument of the respondents is that on the date of decategorisation, i.e., 22.08.1995, the applicant was not in the scale of Rs.3050-4590; the upward revision to the scale of Rs.3050-4590 only happened thereafter w.e.f. 04.12.1997; the applicant has been given a post of Porter in the equivalent scale which he was drawing as on 22.06.2003; and hence he cannot claim scale of Rs.3050-4590 which was made applicable much later than his medial decategorisation. Moreover, it is also argued that since this matter had been adjudicated before and the prayer has not been allowed, it is barred by principle of *res judicata*.

6. In view of above fact, the OA is devoid of merit and also barred by principle of *res judicata* and is, therefore, dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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