

**Central Administrative Tribunal
Madras Bench**

OA/310/01118/2019

Dated the 9th day of September Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

K.Mohamed Ibrahim,
BCR PA (Retired),
No.6, 3rd Street,
Rajan Nagar,
Vettuvankeni 600115.
Party-in-person

.. Applicant

Vs.

UOI rep. by
The Senior Supdt. Of Post Offices,
Chennai City South Dn.,
Chennai 600017.
By Advocate **Mr.SU.Srinivasan**

.. Respondent

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief:-

“.....to set aside the arbitrary, illegal and without application of mind reply given by the respondent in Order No.C/Pension/Misc. Dtd. 25.3.19 and direct the respondent to grant him one notional increment on 1.6.08 as Rs.18107 and re-fix his pension from 1.7.2008 as Rs.9054/- as per the Hon'ble Madras High Court and Hon'ble SCI's order, consequently the respondent may be pleased to direct to draw the arrears for the difference of pension with other benefits from 1.7.2008 to till this date.”

2. On perusal, it is seen that the applicant had made a similar prayer before this Tribunal in OA 723/2010 for grant of increment as on 01.7.08 which was disposed of by Annexure A7 order dated 05.1.2011 whereby the claim of the applicant was dismissed. Thereafter the RA 7/2011 filed against the above said order was also dismissed by Annexure A8 order dated 30.5.2011. He has not filed any appeal and the order has become final as far as the applicant is concerned.

3. Now the applicant has filed the present OA stating that the Hon'ble Madras High Court in WP No.15732/2017 has granted one notional increment for the pensionary benefits to the applicant therein. The SLP (Civil) Diary No(s).22283/2018 filed against the above said WP was dismissed upholding the decision of the Hon'ble Madras High Court. Therefore, based on the decision in the above said WP the applicant made Annexure A11 representation dated 24.12.18 to the

respondent seeking to extend the benefits arising out of the above judgment in WP No.15732/2017 and grant him annual increment for the year 2008 and consequently re-fix his pension with all benefits. The respondent by Annexure A1 impugned order dated 25.3.19 has rejected the claim of the applicant stating that the judgment is applicable only to that individual.

4. When the matter came up for hearing, Mr.SU.Srinivasan, counsel appearing for the respondents submitted that this OA is hit by resjudicata as the applicant had earlier filed an OA which was dismissed by the Tribunal on 05.1.2011. Further, a similar matter has been disposed off by this Tribunal in OA 1661/2013 rejecting the claim based on the decision of the Hon'ble Supreme Court in ***Chief General Manager v. K.V.George & Others [reported in (2008) 14 SCC 699]*** and the decision of the Hon'ble Supreme Court in ***Achhaibar Maurya v. State of U.P. And Others [reported in (2008) 2 SCC 639]*** and the decision of the Hon'ble Madras High Court in ***A.V.Thiyagarajan vs. The Secretary to Government (W.P.No.20732/2012 dated 27.11.2012)*** and the decision of the Hon'ble Karnataka High Court in ***Union of India & 3 Others v. YNR Rao (WP 18186/2003)*** wherein it was held that such claim cannot be entertained as the correct date of retirement is prior to 31.6.13 and the applicant is permitted to continue in service only on the basis of a permission granted for the purpose of better accounting by the government.

5. We have perused the OA on hand and it seems that it is squarely covered by the

decision of this Tribunal in OA 1661/2013.

6. So, the very same matter cannot be adjudicated as it is hit by resjudicata and on the basis of subsequent decisions of this Tribunal. So, we find that the applicant has failed to make out a case for adjudication and hence it is dismissed at the threshold itself.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

09.09.2019

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