

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**OA/021/871/2018 &
MA/021/569/2018**

Dated: 04/06/2019

Between

1. U.K. Chandrabhushanam,
S/o. Sri. U.K. Kistaiah,
Aged about 57 years,
Occ: Assistant Works Managers,
Gr.C, Ordnance Factory,
Yeddumailaram (PO), Medak District,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.
2. Ch. Venkatesham, S/o. Sri CH. Keshiaiah,
Aged about 55 years,
Occ: Junior Works Managers,
Ordnance Factory,
Yeddumailaram (PO), Medak District,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.
3. N. Seshadri, S/o. Sri N. Agaiah,
Aged about 59 years,
Occ: Junior Works Managers,
Ordnance Factory,
Yeddumailaram (PO), Medak District,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.
4. G. Prakash, S/o. Sri G. Laxman,
Aged about 59 years,
Occ: Assistant Works Managers,
Ordnance Factory,
Yeddumailaram (PO), Medak District,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.
5. S. Chandrakanth Rao,
S/o. Sri S. Hanmanth Rao,
Aged about 56 years,
Occ: Assistant Works Managers,
Ordnance Factory Institute of Learning,
Ordnance Factory Estate,

Yeddumailaram, Medak,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.

6. Y.R. Ganesh, S/o. Sri Y.R. Rajanarsimha,
Aged about 58 years,
Occ: Assistant Works Managers,
Ordnance Factory,
Yeddumailaram (PO), Medak District,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.
7. M. Sivanageshwar Rao, S/o. Sri M. Venkateswarlu,
Aged about 57 years,
Occ: Junior Works Managers,
Ordnance Factory,
Yeddumailaram (PO), Medak District,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.
8. Y. Ramakrishna,
S/o. Sri Y. Shiva Kameshwara Rao,
Aged about 57 years,
Occ: Junior Works Managers,
Ordnance Factory,
Yeddumailaram (PO), Medak District,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.
9. K. Prabhakar Rao,
S/o. Sri K. Bhoom Rao,
Aged about 55 years,
Occ: Junior Works Managers,
Ordnance Factory,
Yeddumailaram (PO), Medak District,
R/o. Ordnance Factory Estate,
Yeddumailaram (PO), Medak District.

... Applicants

AND

1. Union of India rep. by its
Secretary, Department of Defence
Production and Supplies,
South Block, New Delhi 110 001.

2. Chairman & DGOF,
Ordnance Factories Board,
Government of India,
Ministry of Defence, 10-A,
SK Bose Road, Kolkatta ó 700 001.
3. The Sr. General Manager,
Ordnance Factory, Ministry of Defence,
Yeddumailaram, Medak Dist,
T.S. Pin- 502 205.
4. The Principal Director,
Ordnance Factory Institute of Learning,
Ordnance Factory Board, Ministry of Defence,
Ordnance Factory Estate, Yeddumailaram,
Medak Dist., AP. Pin- 502 205, TS.

... Respondents

Counsel for the Applicants : Mr. K. Ram Murthy
Counsel for the Respondents : Mr. A. Vijay Bhaskar Babu, Addl. CGSC

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

(Per Honøble Mr. Justice L. Narasimha Reddy, Chairman)

The applicants were appointed as Tracers in Ordnance Factory, Yeddumailaram, Medak District, the 3rd respondent herein in the years 1983 & 1984. They were in the pay scale of Rs.260-430/-. Some of the similarly situated employees filed O.A. No.1603/2013 before this Tribunal, claiming that they are entitled to be paid in the pay scale of Rs.330-560/-. That O.A. was allowed and the applicants therein were extended the benefit.

2. The applicants herein filed O.A. No.1521/2015, claiming the relief in the same terms as in O.A. No.1603/2013. After hearing both the parties, this Tribunal allowed the O.A., directing the respondents to pay the applicants herein, the pay scale of Rs.330-560/- within 45 days. In compliance with the same, the respondents have extended the benefit of that scale of pay, to the applicants.

3. The applicants seem to have made a representation, stating that they are entitled to be put in the pay scale of Rs.425-700/- from the date of their initial appointment. That was turned down through order dated 21.10.2016. The same is challenged in this O.A. Since there is a delay of 269 days in filing the O.A., the applicants have filed MA/21/569/2018 with a prayer to condone the delay.

4. The respondents filed counter affidavit in MA. They stated that the reasons mentioned by the applicants are not adequate for condoning such a long delay.

5. Heard Sri K. Ram Murthy, learned counsel for the applicants and Sri A. Vijaya Bhaskar Babu, learned Standing Counsel for the respondents, in MA as well the O.A.

6. The applicants state that they have been pursuing the remedies in the form of representations and reminders and in that process delay has occurred. We are satisfied with the explanation given by the applicants and the delay is condoned. MA is accordingly allowed.

Order in the O.A.

7. The appointment of the applicants in the 3rd respondent organization was as Tracers, in the pay scale of Rs. 260-430/-. In O.A. No.1603/2013, this Tribunal granted the relief in the form of a direction to the respondents to put the Tracers in the pay scale of Rs.330-560/-. Obviously noticing that, the applicants herein filed O.A. No.1521/2015 for similar relief. Since there was no dispute about their status as Tracers, the O.A. was allowed through order dated 15.12.2015, directing the respondents to extend the benefit of pay scale of Rs.330-560/- to the applicants.

8. In case the applicants were of the view that they are entitled to any further benefit, be it in the form of higher scale of pay or designation, they were supposed to canvass that, in O.A. No.1521/2015 itself. Having prayed for a relief and got it, the applicants started making claim for pay scale of Rs.425-700/-. It is totally impermissible in law. This O.A is barred by *constructive resjudicata* also. Apart from that, the applicants are not able to satisfy us, as to how they are entitled for the relief. The O.A. is accordingly dismissed. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN