

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 1892/2013

New Delhi, this the 22nd day of October, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. G.M. Bhattacharya
S/o Late I.M. Bhattacharya
E-997, Chittaranjan Park
New Delhi-110019.
2. Gurbhaj Singh
S/o Late Narain Singh
E-248, DDA Colony
Khayala, New Delhi.
3. Sushma Suri
W/o Shri M.K. Suri
Qtr. No. 155, Sector 1
Sadiq Nagar, New Delhi.
4. Alok Kumar Saxena
S/o Late Shri S.R. Saxena
H.No. 50, Block-B
Pkt. 9, Sector-4, Rohini
New Delhi-110 085.
5. Rita Bhattacharya
W/o G.M. Bhattacharya
E-997, Chittaranjan Park
New Delhi-110019.
6. Anil Kumar Ojha
S/o Late Manohar Lal Ojha
U-76/3-4, DLF Phase-III
DLF City, Gurgaon-122002.

7. N.P. Singh
S/o Late Hori Singh
H.No.393, Sector 12
R.K. Puram, New Delhi.
8. R.P. Sharma
S/o Late Shri S.R. Sharma
91, Parmath Apartment
Vikaspuri, New Delhi.

.. Applicants

(By Advocate : Ms. Seema Sharma)

Versus

1. Union of India
Through Dr. T. Ramasami, Secretary
Ministry of Science and Technology
Technology Bhawan
New Mehrauli Road
New Delhi-110 016.
2. Dr. Swarna Subba Rao
Surveyor General of India
Surveyor General Office
Hathi Barkhala Estate Dehradun
Uttaranchal.

.. Respondents

(By Advocate: Shri Rajesh Katyal)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicants were initially appointed as Topographical Trainee Type-B (TTB) in the Survey of India, between 1978 and 1980. In the context of

classification of their post, they approached the Hon'ble High court of Delhi by filing a writ petition. That was transferred to the Tribunal. As a result of that adjudication, they were placed in Grade-IV. Thereafter, one of the TTB filed O.A. No.528/1993, claiming that the training period shall count towards seniority. That was allowed on 15.02.1999. The applicants claimed similar relief in O.A. No.2173/2002, and that was allowed through order dated 13.02.2003.

2. Officers, who felt aggrieved by the grant of seniority to the applicants, filed O.A. No.3152/2003, but the same was dismissed on 24.02.2006. However, on 01.08.2006, the respondents rearranged the seniority, virtually denying to the applicants, the benefit that was extended vide order passed in the O.A. No.2173/2002. Therefore, the applicants filed O.A. No.247/2007, challenging the revised seniority list. The O.A. was allowed on 02.02.2007, and it was directed that the seniority list dated 07.11.2003 shall hold 'good'. It is represented that the writ petition filed by the respondents against the

order passed in the O.A. is pending before the Hon'ble High Court of Delhi.

3. This O.A. is filed with a prayer to direct the respondent Nos.1 and 2 to implement the orders in O.A. Nos. 2173/2002 and 247/2007, in true spirit and to grant them, consequential benefits.

4. The applicants contend that once they were extended the benefit of seniority of two years, they are entitled to be granted the financial and other benefits. It is stated that despite repeated representations, the respondents did not grant the consequential benefits to them at all.

5. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the relief claimed in the O.A. is over and above, what was granted in the O.A. Nos. 2173/2002 and 247/2007. They submit that in none of the earlier adjudications, the applicants were granted the consequential benefits and, at this length of time, the applicants cannot claim the same.

6. We heard Ms. Seema Sharma, learned counsel for the applicants and Shri Rajesh Katyal, learned counsel for the respondents, at length.

7. The only prayer, as contained in the O.A., reads as under:

“Direct the Respondent Nos. 1 and 2 to implement the judgments in O.A. 2173/2002, O.A. 247/2007 in its true spirit and thereby grant the financial and other consequential benefits as has already been granted to the similarly placed employees on the basis of two years antedating of seniority.”

8. The applicants did not claim any independent relief, such as the benefit of promotion, arrears of pay, grant of ACP/MACP. They simply wanted the implementation of the orders in the O.A. Nos. 2173/2002 and 247/2007 in true letter and spirit. If one takes into account the order in the 1st O.A., the relief granted therein reads as under:

“7. We, accordingly, allow the present application and direct that applicants should be accorded their seniority in terms of the decisions of this Tribunal dated 15.2.99 in OA 528/93. After according due seniority to applicants, the consequential benefits should also be granted to applicants in accordance with law. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.”

9. It is evident that the applicants were granted the benefit of seniority, in terms of the order in O.A. No.528/1993. Direction was also issued that the consequential benefits shall be granted. However, the precise form thereof was not indicated. In case the applicants were of the view that the consequential benefits granted in O.A. Nos. 2173/2002 were not extended to them, the only course upon to them was to file a contempt case. However, that was not done.

10. The cause of action for filing O.A. No.247/2007 was totally different. That was necessitated on account of the recasting of seniority. The relief granted in that O.A. reads as under:

“30. In view of the discussion made hereinabove, we quash and set aside the communications dated 4.1.2007, reiterated on 24.1.2007, 26.6.2006, 1.8.2006, rejecting applicants’ representation as well as issuing recasted seniority list, with consequential benefits. Accordingly, the exercise undertaken by the respondents in holding review DPC and passing further promotion and reversion order dt. 8.2.2007 also cannot be sustained in law and consequently quashed & set-aside. We also declare that the seniority list dated 7.11.2003 cannot be tinkered with without any judicial order from higher court and accordingly we restore the same. With these observations, all OAs are allowed. No costs.”

11. Except that the seniority list dated 07.11.2003 was declared to be the one, that applies, no other relief such as the consequential promotion or upgradation, were granted. The applicants are not able to spell out what are the benefits that would have flown from the orders in the O.As. Under these circumstances, no relief can be granted to the applicants.

12. Further, it is fairly well settled that an O.A. cannot be filed for the exclusive relief of implementation of the orders in another O.A. Secondly, if any specific relief was not granted in the earlier O.As., the present O.A. is barred by principle of res judicata or constructive res judicata.

13. In view of the above, we do not find any merit in the O.A. and accordingly the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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