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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 898/2016**

Date of decision: 5th February, 2016

M.B. USGAONKAR

..... Petitioner

Through: Mr. Azhar Alam & Mr. Sankalp
Goswami, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Sanjeev Narula, CGSC & Mr.
Ajay Kalra, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

SANJIV KHANNA, J. (ORAL):

CM No.3936/2016

Allowed, subject to all just exceptions.

The application stands disposed off.

WP(C) No.898/2016

1. The primary or the core order subject-matter of challenge in this writ petition is the order dated 28.4.1997, deciding OA No.1471/1995, filed by the present petitioner.
2. Order dated 28.4.1997, analyses the disputes and holds that the petitioner was not entitled to grant of pay scale of Rs.7,300 but was rather only entitled to “compensation” for the petitioner had discharged duties of the post of Chairman, SSSDC. As, the petitioner had retired on attaining the age of superannuation on 30.04.1993, the

tribunal was cautious and had specifically observed that the petitioner would not be entitled to revision of pension on the basis of the last pay drawn and what was being awarded and paid was only “compensation”. This order dated 28.4.1997 was challenged by the Union of India before the High Court, but the writ petition was dismissed. The petitioner did not question this order, till this writ petition was filed in December, 2015.

3. Earlier, after a delay of almost 13 years, the petitioner has filed an application for review along with an application for condonation of delay etc. which was dismissed by the tribunal vide order dated 24.2.2011. This order was not challenged and is now challenged after about 5 year in this writ petition.
4. Undeterred, the petitioner had then filed OA No.3576/2013 which has been dismissed by the impugned order dated 21.9.2015.
5. The petitioner cannot be permitted and allowed to agitate the same issue again and again. The decision dated 28.4.1997 would operate as *res judicata*. We would not permit the petitioner to agitate and question order dated 28.4.1997 by way of the present writ petition after a gap of 19 years. The writ petition is dismissed.

SANJIV KHANNA, J

NAJMI WAZIRI, J

FEBRUARY 05, 2016/tp