

9

Central Administrative Tribunal
Principal Bench: New Delhi

OA-1857/2002

New Delhi this the 11th day of November, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Mr. V.K. Majotra, Member (A)

1. All India CPWD (MRM) Karamchari
Sangathan (Regd.)
through its President,
Shri Satish Kumar
4823, Balbir Nagar Extn.,
Gali No. 13, Shahdara, Delhi-32.
 2. Guru Dev Sharma S/o late Ram Chand Sharma
 3. Ram Kumar Sharma S/o Prabhu Dayal Sharma
 4. Kunwar Singh Rawat S/o Ram Singh Rawat
 5. Basant Lal Gupta s/o Late Itwari Lal Gupta
 6. Ajab Singh s/o Late Ishwari
 7. Yashpal Singh s/o late Ram Swaroop
 8. Prem Kumar s/o Sarup Singh
 9. Hajari Lal s/o Nainsukh Sharma
 10. Kailash Nath Ram s/o Jagdish Ram
 11. Mahabir Singh Rawat s/o Daulat Singh Rawat
 12. Suresh Chand s/o Dayaram Yadav.
 13. Rajbir Singh s/o Mukhtiyar Singh
 14. Babu Ram S/o Gaindaram
 15. Dan Singh s/o Gopal Singh
 16. Shrikant s/o Krishan Sharma
 17. Mool Chand Sharma s/o Murari Lal
 18. Sunil Kumar s/o Prakash Chand
 19. Maheshwar Singh s/o Bhagwan Singh
 20. Rambabu s/o Kanchhid Prasad
 21. Janki Prasad s/o Pareshwar Prasad
 22. Vinod Kumar Trivedi s/o Shri J.N. Trivedi
 23. Vidhya Dhar Maharana s/o Shri D. Maharana
 24. Mangi Lal S/o Shri Harchand Ram
- 12

Applicant Nos. 2 to 24 C/o
All India CPWD (MRM) Karamchari
Sangathan (Regd.)
through its President,
Shri Satish Kumar
Office at 4823, Balbir Nagar Extn.,
Gali No. 13, Shahdara, Delhi-32.

-Applicants

(By Advocate: Shri Naresh Kaushik)

Versus

1. The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi.
2. Deputy Secretary,
Government of India,
CPWD, Nirman Bhawan,
New Delhi.
3. The Executive Engineer
"H" Division, CPWD,
Mahadev Road,
New Delhi.
4. The Executive Engineer,
Unfiltered Water Supply Division,
CPWD, Mahadev Road,
New Delhi.
5. The Executive Engineer,
"L" Division, CPWD,
Y-Shape Building,
I.P. Estate, I.T.O.,
New Delhi.

-Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

MA-1481/2002 has been filed by the applicants praying for permission to file a joint application. That MA is not seriously opposed by the learned counsel for respondents. Accordingly MA-1481/2002 is allowed.

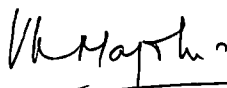
2. Having regard to the prayers made by the applicants in this OA as set out in paragraph-8 and the order of the Tribunal, particularly paragraph-2 of the order in OA-1426/2001, in which one of us {Shri V.K. Majotra, Member

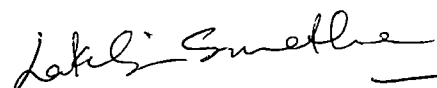
82

(A)} was also a member, We find that the OA is liable to be dismissed on the ground of res judicata as also submitted by Shri A.K. Bhardwaj, learned counsel. The reliance on the liberty granted by the Tribunal to the applicants, if so advised, to agitate their grievance for regularisation, will not assist the same applicants who had earlier filed OA-1426/2001, to re-agitate the same grievances and seek the same remedy by way of quashing the same impugned orders.

3. Apart from the above, Shri Naresh Kaushik, learned counsel for the applicants has fairly submitted that the later judgment of the Tribunal in Jai Prakash & Others Vs. DG, CPWD (OA-55/2002) decided on 20.9.2002 in which one of us {Smt. Lakshmi Swaminathan, Vice-Chairman(J)} was also a member will have a bearing on the issues raised in the present OA.

4. In the facts and circumstances of the case, the reliefs prayed for by the applicants cannot be granted and OA is accordingly dismissed. However, the implementation of the Tribunal's order in Jai Prakash's case (supra) by the respondents may apply to the applicants, if they are otherwise eligible. No order as to costs.


(V.K. Majotra)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

cc.