

Central Administrative Tribunal, Principal Bench

2

Original Application No.1524 of 2002

M.A.No.1237/2002

New Delhi, this the 6th day of June, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member(A)

1. Shri Prem Singh Rawat,
S/o. Shri B.S. Rawat
R/o R-2933, Netaji Nagar,
New Delhi

2. Shri Som Dutt
S/o late Shri Dalip Singh
R/o 24/288, Type - I
P.K. Road, Mandir Marg
New Delhi-1

.... Applicants

(By Advocate: Shri Manas R. Panigrahi)

Versus

1. Union of India
(Ministry of Urban Development &
Poverty Alleviation)
Through its Secretary,
Nirman Bhawan, New Delhi-11

2. The Under Secretary
Govt. of India
Ministry of Urban Development &
Poverty Alleviation
Nirman Bhawan, New Delhi-11

.... Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member(A)

Appointed in a group 'D' post in January, 1980, both the applicants were promoted to the post of LDC on ad-hoc basis in April, 1981 and have been regularised in the same post w.e.f. 9.4.92 by office order dated 27.7.92 (Annexure A-1), issued by the respondents. The prayer made is for quashing and setting aside the aforesaid order with a direction to the respondents to regularise the applicants w.e.f. 29.4.81 which is the date on which they were initially appointed as LDC on ad-hoc basis. The applicants made representations in the matter. However, aggrieved by the respondents' action, they came up before the Tribunal

through OA No.2699/93 seeking the same relief. The aforesaid OA was dismissed on 20.7.99, on merits.


2. The learned counsel has also drawn our attention to the judgement rendered by this Tribunal in OA No.2119/99 decided on 25.5.2001 (Annexure A-3). In that case, the Tribunal considered a similar case though belonging to other applicants and directed that 50% of the ad-hoc service rendered by the applicants in that case be counted towards seniority as LDCs. The aforesaid order was taken to the High Court where the Writ Petition filed by the respondents got dismissed. The learned counsel also relies on the judgement rendered by the Delhi High Court on 26.4.2002 (Annexure A-4) in C.W.No.2469/97. The High Court in that case considered a similar case and granted the benefit of regularisation from the date of appointment. The learned counsel submits that the aforesaid decision made by the High Court gives him a fresh cause of action.


3. We have considered the submissions made by the learned counsel and find that since the matter has already been decided between the same parties by this very Tribunal in OA No.2699/93, the bar of res judicata will clearly apply in the present case. The judgements rendered by the Tribunal in OA No.2119/99 and by the High Court in C.W.No.2469/97 which pertain to parties other than the present applicants will not affect the situation in-so-far as the applicability of the principle of res judicata is

2

concerned.

4. In the light of the foregoing, the present OA
is dismissed in limine.


(S.A.T. Rizvi)
Member(A)


(Ashok Agarwal)
Chairman

/dkm/