

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 921/2002

8

New Delhi this the 21st day of January, 2003

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

1. Shri Sri Pal and Ors.
S/o Shri Bhim Singh,
B-131, Gharoli, Dairy
Farm, Delhi-110092
2. Shri Vinay Paswan,
S/o Shri Mahadev Paswan,
RZ-168-B, Kailash Puri,
New Delhi-110045
3. Shri Jagdish Prasad,
S/o Shri Jongli Prasad,
D-340, Mandavali

... Applicants

(By Advocate Shri George Paracken)

Versus

Director,
Directorate of Estates,
Nirman Bhawan, New Delhi-11

... Respondent

(By Advocate Shri R.N. Singh)

O R D E R (ORAL)

(Smt. Lakshmi Swaminthan, Vice Chairman (J))

In the light of the judgement of the Hon'ble Supreme Court in Union of India and Anr. Vs. Mohan Pal etc. (2002 (4) Scale 216), the stand taken by the respondents in their reply cannot be faulted or held to be arbitrary or against the Rules. However, Shri George Paracken, learned counsel has submitted that at the time when he filed the OA, the aforesaid judgement of the Hon'ble Supreme Court had not been pronounced when the respondents were taking the view that the DOP&T O.M. dated 10.9.1993 was an ongoing Scheme. He has, therefore, prayed that an order similar to the order in OA 2900/92 and other similar orders may be granted. It is relevant to note that applicant no.1 in the

present application was applicant in OA 2900/1992. Similarly, applicant no.2 was applicant in OA 2868/1992, applicant no.3 was applicant in OA 2859/1992 which have all been disposed of by Tribunal's orders. It appears that only applicant no.4 has filed the present application for the first time.

2. Taking into account the aforesaid orders of the Tribunal with respect to applicants 1,2 and 3, no further orders with respect to their engagements are required to be passed, as the same has already been decided in the earlier orders. The oral prayers to this effect cannot also be considered on the principle of constructive res judicata.

3. In the result, for the reasons given above, the O.A. fails and is dismissed. No costs.


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

'SRD'