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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.154/2002

with

O.A.No. 158/2002

New Delhi, this the 17th day of January, 2002

Hon'ble Mr.Justice Ashok Agarwal,Chairman

Hon'ble Mr.S.K.Agrawal,Member(Admnv.)

O.A.No.158/2002

1. Manoj Kumar  
S/o Shri Babu Lal  
R/o RZ-3/HI, Gali No.8  
Indra Park, Palam Colony  
New Delhi-45.
2. Jagat Singh  
S/o Sh. B. Singh  
P-52/3, Kabul Line  
Delhi Cantt.
3. Vijay Kumar  
S/o Sub, Jagdish Thakur  
505 Army Base Wksp  
Delhi Cantt.
4. Susheel Kumar  
S/o Sh. Ishwar Chand Sharma  
RZ-5/B/5, Shanker Park  
West Sagarpur,  
New Delhi.
5. Dharam Vir Singh Sekhawat  
S/o Sh. Umed Singh  
V&P Luhakana Khurd  
Jaipur.
6. Chetan  
S/o Sh. Gopal Kishan  
WZ-400-B, Raj Nagar-II  
Palam Colony, New Delhi.
7. Vinod Kumar Sharma  
S/o Sh. Rajendra Sharma  
RZ-297/345, Shivpuri  
West Sagarpur  
New Delhi.

8. Praveen Kumar  
S/o Sh. Dalraj Singh  
524, Ishwar Colony,  
Bawana, Delhi.

9. Devinder Kumar  
S/o Sh. Hans Raj  
879/15, Arjun Nagar  
Gurgaon.

10. Ved Pal  
S/o Sh. Ram Kishan  
505 Army Wksp, Delhi Cantt.

11. Anil Kumar  
S/o Sh. Randhir Singh  
V&P Asodha, Jhajjar.  
(By Advocate: Dr. I.B. Gaur) ...Petitioner

Versus

1. Union of India  
through its Secretary,  
Ministry of Defence  
South Block, New Delhi.

2. The Adjutant General  
AG's Branch, Army Headquarters  
DHQ. P.O. New Delhi-11.

3. D.G., EME (EME Civ)  
Army Headquarters  
DHQ, PO, New Delhi-11.

4. The Commandant  
505, Army Base Workshop,  
Delhi Cantt-110010. ...Respondents

5. Vijay Kumar  
S/o Sh. Raj Kumar  
R/o 36/5 CVD Lane  
Delhi Cantt.

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6. Jitendra  
S/o Shri Ramesh Kumar  
R/o 170/D, Sector-6  
Rohini, Delhi.

7. Surinder Singh  
S/o Sh. Nepal Singh  
R/o 34/2, Uri Enclave  
Delhi Cantt.

8. Ishwar Singh  
S/o Sh. Lokvir Singh  
R/o WZ-1566, Nangal Rai  
New Delhi.

9. Raj Kumar  
S/o Rajendra Pal  
126-B J & K Block,  
Laxmi Nagar, Delhi.

10. Vinod Kumar  
S/o Sh. Harkesh  
RZ-17, Nalapar Basti,  
Sagarpur, New Delhi.

11. Sanjay Kumar  
S/o Satvir Singh  
223, V & P-Bahadurgarh,  
Distt. Jhajjar.

12. Satnarayan  
S/o Sh. Manphool Singh  
52/4, Kabul Lines  
Delhi Cantt-10.

13. Rajiv Verma  
S/o Sh. Nand Lal Verma  
46/7, New CVD Lane  
Delhi Cantt-10.

14. Naresh Kumar  
S/o Sh. Ram Chandra  
79, Bara Bajar, Meerut.



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15. Sukhwinder Singh  
S/o Sh. Hari Kishan  
45/8, Kabul Line,  
Delhi Cantt.

16. Narendra Singh  
S/o Kartar Singh  
V & P-Kair, New Delhi.

17. Sajjan Kumar  
S/o Sh. Ishwar Singh  
505 Base WKSP,  
Delhi Cantt.

18. Ravish Kumar  
S/o Sh. Ram Kishore Pal  
C/79, Madhu Vihar  
Uttam Nagar, New Delhi.

19. Prem Prakash  
S/o Sh. Subedar Ram  
East Sagarpur,  
132/60A New Delhi.

20. Narendra Togaria  
S/o Stogaria  
47/4731, Raigarpura  
Karol Bagh, New Delhi.

21. Kuldeep Kumar  
S/o Smt. Bimla Devi  
7, Kirbi Place,  
New Delhi.

22. Inder Singh Katyal  
S/o Sh. Pratap Singh Katyal  
63/2 New CVD Line  
Delhi Cantt.

23. Rajendra Prasad  
S/o Sh. Narayan Das  
RZC-4 Mahavir Enclave,  
New Delhi-45.

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24. Deepak Kumar  
S/o Sh. Mohan Lal  
Security Office  
505 Wksh, Delhi Cantt.

25. Jawahar Mahto  
S/o Sh. Mahto  
484/407, Shivpuri  
West Sagarpur,  
New Delhi.

26. Pitamber Pandey  
S/o Sh. Diwakar Pandey  
WZ-1327, Nangal Rai  
New Delhi.

27. Pramod Kumar  
S/o Sh. Kishori Lal  
6/156 Lodhi Mohal  
Sahadara, Delhi.

28. Vijay Kumar  
S/o Sh. Mehar Singh  
R-605, Mangolpuri  
Delhi-83.

29. Rohit Kumar  
S/o Sh. Ramesh Chand  
505 Army Base Wksp, Dehli Cantt.

30. Tilak Raj  
S/o Sh. Madho Ram  
RZ-19A/1/2, Main Sagarpur  
New Delhi.

31. Nirdosh Tirki  
S/o Sh. Lajrus Tirki  
D-46, Mangalapuri Vill.  
New Delhi-45.

32. Inder Mohan  
S/o Sh. Jagannath  
J/4/59, Lajpat Nagar  
New Delhi.

33. Vijay Kumar  
S/o Sh. Suraj Mal  
941/31, Near Zila Sainik  
Board, Sonipat.
34. Prakash Singh  
S/o Sh. Kalyan Singh  
RZ-2C/197, Mahavir Enclave  
New Delhi.
35. Mohit Mani Rai  
S/o Smt. Kamlesh Mumari  
VB-66, Virender Nagar  
New Delhi.
36. Sohan Lal  
S/o Sh.  
RZ-104, Indra Park  
Uttam Nagar, New Delhi.
37. Pradeep Kumar  
S/o Sh.  
RZ-120-A Pratap Colony  
Uttam Nagar, New Delhi.
38. Bharat Singh  
S/o Sh. Surjan Singh  
Vill- Kakrola  
New Delhi.
39. Neeraj Kumar  
S/o Phool Singh  
106, Ghevra Delhi.
40. Yogesh Kapoor  
S/o Sh. Munsi Ram  
13/4A, Tilak Nagar  
New Delhi.
41. Devinder Singh  
S/o Sh. Om Prakash  
New Patel Nagar  
Bahadurgarh, Zazzhar

V.J.

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42. Krishna Kumar  
S/o Sh. Daya Nand  
V&P Vazirpur,  
Gurgaon.

43. AS Verma  
S/o Sh. CL Verma  
23/24, Staff Road  
Ambala.

44. Atam Prakash  
S/o Sh. Kapil Vashist  
Bina Nagar, Gurgaon.

45. Baljit Singh  
S/o Smt. Kalwati  
Village Om Nagar  
Bureda, Gurgaon.

46. Bir Bhan  
S/o Sh. Lilu Ram  
V&P Munda Khera  
Jhazzar.

47. Ajit Singh Sekhawat  
S/o Shri Umed Singh  
V&P Luhakana Khurd  
Jaipur.

48. Jaiprakash  
S/o Shri Ishwar Singh  
Vill-Nawada, Nakhdola  
Gurgaon.

49. Bansi Lal  
S/o Sh. Hoshyar Singh  
V&P Dhingal, Jhajjar

50. Rajesh Kumar  
S/o Sh. Surender Nair  
107, East Sagarpur  
Palam Rd. New Delhi.

W.G.

51. Amit Kumar  
S/o Shri Raghunath Mehta,  
RZK-26, 233, West Sagarpur  
New Delhi-46.

.... Respondents

O.A. 154/2002

Pooran Singh  
S/o Shri Nahar Singh  
R/o Village Pochanpur  
P.O. Dhulia Siras, New Delhi

.... Applicant

(By Advocate: Dr. I. B. Gaur)

Versus

1. Union of India  
through its Secretary  
Ministry of Defence  
South Block, New Delhi
2. The Adjutant General  
AG's Branch, Army Headquarters  
DHQ, P.O., New Delhi-11
3. D.G., EME (EME Civ)  
Army Headquarters,  
DHQ, PO, New Delhi-11
4. The Commandant  
505, Army Base Workshop  
Delhi Cantt-110010

.... Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Present OAs, we are afraid, are barred by the principles analogous to re-judicata.

2. Applicant in OA No. 154/2002 had earlier filed OA No. 711/2000 whereas applicants in OA No. 158/2002 had earlier filed OA No. 415/2000. Applicants in the aforesaid OAs had applied for the post of Electrician and Mazdoor respectively, in pursuance of the different advertisements issued on 20.10.99. They had instituted the earlier OAs after they had failed to obtain appointments on various allegations such as illegality and favouritism in the matter of selections. By an order

*W.C.J.*

passed on 9.4.2001, to which one of us (Chairman) was a party, this Tribunal, after perusing the entire proceedings of the selections carried out for the aforesaid posts, has found that call letters have been sent to those who have been selected based on marks obtained by each of them in the examination and physical test. It was further found that no exception could be had to the aforesaid recruitment process. Aforesaid OAs were accordingly dismissed. Applicants carried the aforesaid order to the High Court by filing Writ Petitions (Civil) No.3721/2001 and 3678/2001, respectively. Aforesaid petitions were disposed of by the High Court on 26.7.2001 in the following terms:

"After arguing for a while, learned counsel for petitioner prayed for withdrawal of this petition with liberty to file some fresh petition before the Tribunal. Dismissed as withdrawn with liberty as prayed for granted."

Based on the liberty granted, applicants have now instituted the present OAs.

3. In our view, the challenge contained in the present OAs are the very same which were the subject matter of the earlier OAs. The grounds taken for challenging the selection process are also the same. The only additional fact that has been asserted is in OA No.154/2002 namely, the post of Electrician is still lying vacant and the same has been re-advertised. Aforesaid further developments cannot ~~arise~~ give rise to a fresh cause of action to the applicants, which challenge has already



been rejected. Merely because liberty has been granted by the High Court, the same will not have the effect of setting aside the order of the Tribunal. The petition in the High Court, it is clear, has not granted any relief. The same has been rejected as having been withdrawn. Mere grant of liberty will not confer upon the applicants a right to adopt a fresh round of litigation. Findings arrived at in the earlier OAs are binding upon the applicants, at least as far as this Tribunal is concerned. The present OAs, in the circumstances, we find are devoid of merit and are dismissed in limine.

Let a copy of this order be placed in each case file.

( S.K. Agrawal )  
Member (A)

( Ashok Agarwal )  
Chairman

/dkm/

Attested  
Agarwal  
CO-CE