

2

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 Wkep
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. Rajindra Sharma
RZ-297/345, Shivpuri
West Sagarpur
New Delhi.

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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, Jhajhar.

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

Versus

...Petitioner

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,
Sagarapur, 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. Sukhvindra Singh
S/o Sh. Hari Kishan
45/B, 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.
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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. Munsil Ram
13/4A, Tilak Nagar
New Delhi.
41. Devinder Singh
S/o Sh. Om Prakash
New Patel Nagar
Bahadurgarh, Zazhar

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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.
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9

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. Dhuliasiras, 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

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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 ^{give rise to} ~~raise~~ a fresh cause of action to the applicants, which challenge has already

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11

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
Agrawal
Co-Cl