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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2548/2002

This the 21st day of October, 2002

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HON'BLE SH. KULDIP SINGH, MEMBER (J)

Ravinder Kumar
S/o Shri Bani Singh,
R/o C-1/3, Lodhi Garden,
New Delhi-03.
(By Advocate: Sh. A.K. Shukla)

... Applicant.

Versus

1. Union of India
Through its Secretary
South Block,
Ministry of Defence,
Delhi-110011.
2. The Commanding Officer,
INS India,
Dalhousie Road,
New Delhi-110 011.
3. The Canteen Officer,
INS India Canteen
Dalhousie Road,
New Delhi-110 011.

... Respondents..

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA seeking the following
relief:-

(a) To call the records and hold that the act of the Respondent was not justified to disengage the Petitioner from the services without passing any order in writing and giving any notice or attributing any reason/order to him and reinstate the Petitioner without any break in service.

(b) To further hold and declare that Petitioner is entitled to resum his services back and also entitle to get all his past salary and other dues besides damages for the losses suffered by him and declare the action of Respondents as illegal and arbitrary.

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2. Applicant has also pointed out that he has earlier approached this Tribunal where he has filed an OA-2120/96 which was decided by this Tribunal with the following directions:-

"In the above view of the matter the applications succeeds and are accordingly allowed. While treating the applicants as Govt. servants, correctly entitled for redressal of their grievances by this Tribunal, we direct the respondents to draw up necessary scheme for regularising the structure of pay and allowances of the applicants, conditions relating to their superannuation and retiral benefits and other service conditions of the applicants keeping in mind the nature of their duties and their equation with those working in the CSD canteens. This exercise shall be completed within 6 months from the date of receipt of copy of this orders. Once such a scheme framed and given effect to the applicants shall be entitled for all the benefits, primarily monetary benefits including arrears of pay allowances in the admitted scales from January 1995", i.e. one year preceding the filing of these applications."

3. The reliefs claimed now are substantially covered under the relief under the directions given in the earlier OA. So the present OA does not lie being barred by principles of res judicata. OA is dismissed in limini. However, applicant is at liberty to seek the appropriate remedy.


(KULDIP SINGH)
Member (J)