

MA 929/2003
in
OA 2303/2002

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14.7.2003

Present : Shri D.N.Sharma, counsel for applicant.

Shri R.L.Dhawan, counsel for respondents.

In OA No.2303/2002 applicant had sought the following reliefs :

- "a) that applicant's position at appropriate place in live/Supplementary Casual Labour Register,.. may kindly be confirmed and intimated to him, specifically with reference to directions issued by the Ministry of Railways vide its order dated 19.2.2001 and order dated 30.8.2001 of the Divisional Railway Manager, Jhansi.
- b) that he be absorbed against regular group D post as per the scheme made in this respect from time to time in keeping with his position in the Live/ Supplementary Register for casual labour.
- c) allow any other and further relief which may be deemed fit and proper in the circumstances of this case in order to safeguard the interests of justice.
- d) allow costs of this application."

With the following observations, the aforesaid OA was disposed of vide order dated 17.9.2002 :

"4. Applicant also alleges that he was initially engaged on 2.2.1978. From perusal of the entire OA it is nowhere alleged that the applicant was registered in the live casual labour register at all. The relief sought by the applicant is only to the fact that he seeks information as to what is his position in the live/supplementary live casual labour register. Admittedly, the applicant is not aware, if his name was listed in the Live Casual Labour Register or not. All the juniors who may be in the live casual labour register had already been absorbed. Since the applicant is not sure whether his name appears in the live casual labour register or not and

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nor claims that his name be listed now. No directions can be issued to list his name in the live casual labour register. However, since the respondents document itself show that applicant's date of initial appointment is 2.2.78, so I direct the respondents to intimate the applicant that his name stands registered in the live casual labour register or not within a period of 2 months. OA stands disposed of."

2. Applicant has now moved the present MA stating that respondents have not complied with the directions of this Court contained in order dated 17.9.2002 and that they should be asked to comply with the directions of this Court. The learned counsel stated that now that respondents have informed applicant vide their memorandum dated 27.11.2002 (Annexure R-1) that his name does not find place in the Live Casual Labour Register (LCLR), respondents should be directed to register his name in the LCLR.

3. The learned counsel of respondents has stated that the Court had directed respondents to intimate applicant whether his name stands registered in the LCLR or not. He stated that vide Annexure R-1 respondents have intimated the same and thus complied with the directions of the Court. Applicant is now asking for a relief of registration of his name in the LCLR which falls within the ambit of constructive res judicata and as such this MA is not maintainable..

4. I am in full agreement with the learned counsel of respondents. Annexure R-1 is in fulfilment of the directions of this Court and applicant's request for

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registration of his name in the LCLR at this stage cannot be entertained being hit by constructive res judicata. The MA is dismissed, therefore.

V.K. Majotra
(V. K. Majotra)
Member (A)

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