



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

MA No. 060/1888/2019

CP No. 060/77/2015

OA No. 060/836/2013

Chandigarh, this the 16th day of January, 2020

HON'BLE MR.SANJEEV KAUSHIK, MEMBER (J)

HON'BLE MR. MOHD. JAMSHED, MEMBER (A)

Naveen Kumar & Ors.

.....Applicants

BY ADVOCATE: **Sh. Harveet Singh Sehgal &
Ms. Chahat Aggarwal**

VERSUS

Rajiv Mehrishi & Ors.

.....Respondents

ORDER (ORAL)

MR. SANJEEV KAUSHIK, MEMBER(J):-

1. Present MA has been filed under Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987 for giving effect to the statement given by the respondents during the contempt proceedings to consider the case of applicants for regularization.

2. Heard Sh. Sehgal, learned counsel for the applicants in MA. He argues that injustice has been done to the applicants in MA (petitioners in CP No. 77/2015) as while the CP was alive, the counsel representing the respondents therein had made a statement that the case of the



petitioners would be considered for regularization. On 20.09.2016, it has been pointed out by the learned counsel for the respondents that the case of the petitioners for regularization was considered, but they were not found eligible for regularization as per order dated 15.05.2015 (Annexure R-2) read with order dated 18/26.07.2013 (Annexure R-1) placed on record with reply/compliance affidavit dated 18.05.2015. After considering the averments made therein, a Coordinate Bench of this Tribunal in para No. 4 of order dated 20.09.2016 recorded that since the order of the Tribunal has been complied with, the CP stood infructuous.

3. Learned counsel representing the applicants in MA argues that since the CP has been dismissed as infructuous and not on merits, therefore, the present application be allowed and respondents be directed to consider the case of regularization of service of the applicants.

4. We are afraid that the statement as made by the learned counsel for the applicants above that the CP was dismissed as infructuous, and not on merits, is correct. The order dated 20.09.2016 passed in CP No. 77/2015 was passed, after noticing the arguments raised by both the parties and on being satisfied that the claim of regularization of the petitioners therein was considered and



rejected vide order dated 15.05.2015 (Annexure R-2) read with order dated 18/26.07.2013 (Annexure R-1) placed on record with reply/compliance affidavit dated 18.05.2015.

The notices issued to the respondents therein were discharged and the applicants were given liberty to challenge the order dated 15.05.2015 read with order dated 18/26.07.2013, as per law.

5. Here, we are constrained to observe that by filing this MA, the applicants have misused the process of law and wasted the precious time of this court. Considering the fact that the applicants failed to satisfy this court as to how the present MA in CP No. 77/2015, which has already been decided by a reasoned order, is maintainable, and as such the present MA is dismissed. The applicants are also imposed with costs of Rs. 20,000/- for abusing the process of law and misleading the court.

(SANJEEV KAUSHIK)
MEMBER (J)

(MOHD JAMSHED)
MEMBER(A)

Dated: 16.01.2020
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