

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 870/2001
MA 755/2001

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New Delhi, this the 11th day of January, 2002

Hon'ble Shri Govindan S.Tampi, Member (A)

1. Sunil Kumar, S/o Shri Mohan Lal
85/84, Panchkuian Road, New Delhi.
2. Ram Nivas, S/o Shri Chandgi Ram
H.No.41, Village Tikri Kalan, Delhi - 41.
3. Irshad Ali, S/o Yashin Ali
H.No.17/1726, Vill.Pangoda, Ghaziabad (UP)
4. Fateh Singh, S/o Shri Sukhha Ram
Village Nurpur, P.O.Tappar,
Distt.Aligarh, UP.
5. Dhir Singh, S/o Shri Iiam Singh
H.No.4/1630, Mahavir Block,
Bholanath Nagar, New Delhi.
6. Parveen, S/o Shri Gurcharan
E/58, Goal Market, New Delhi.
7. Rajpal, S/o Shri Amar Singh
presently working as Group D employee
in LHMC, New Delhi.
8. Sanjay Singh, S/o Shri Bhoop Singh
H.No.3/24, LHMC Compound, New Delhi.
9. Sanjay Singh, S/o Shri Chiranji
E-577, Mangolpuri, New Delhi.
10. Anil S/o Shri Laddo Ram
H.No.8/6, Raksha Road, Paharganj, Delhi.
11. Anand, S/o Tirlok Singh
working as Group D employee in LHMC
New Delhi.
12. Hari Singh, S/o Shri Kundan
85/89, Panchkuian Road, New Delhi.
13. Pawan Singh, S/o Shri Charan Singh
171, Sakarpur School Block, Delhi.
14. Rajender, S/o Shri Ranjha Ram
working as Group D employee in LHMC, New Delhi
15. Ashok, S/o Shri Jaohari Lal
working as Group D employee in LHMC.

(By Advocate Shri Karan Singh Dagar) ...Applicants

V E R S U S

UNION OF INDIA : THROUGH

...2/-

1. Secretary
Ministry of Health
Nirman Bhawan, New Delhi.
2. Principal & Medical Supdt.
Lady Hardinge Medical College
& Associated Hospitals
New Delhi : 110 001.
3. Chief Administrative Officer
Lady Hardinge Medical College &
Associated Hospitals
New Delhi - 110 001.
4. Medical Superintendent
Safdarjang Hospital
New Delhi.

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... Respondents
(By Advocate Shri Madhav Pannikar, for R.1-3.
Shri S.M.Arif, for R-4.

O R D E R (ORAL)

By Hon'ble Shri Govindan S.Tampli,

At the start of the proceedings Shri S.M.Arif, learned counsel for respondent No.4 indicated that Safdarjang Hospital has been un-necessarily impleaded in this case, as the applicant has not sought any relief against respondent No.4. They have only granted the temporary status to the persons who are working in their institution and, therefore, his client's name may be deleted from the list of respondents. Shri Karan Singh Dagar, 1d. counsel for the applicant has no objection to it. Shri Arif's request is allowed and the name of respondent No.4 is permitted to be deleted from the list of respondents.

2. MA 755/2001 for joining together is allowed.

3. This is a case where 16 applicants, all of whom are working in Lady Hardinge Medical College and Associated Hospitals are challenging the order No.F.CAO/LHMCCLR/2000 dated 6-10-2000, indicating 84 individuals who were casual labourers including all

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the applicants are granted temporary status after having completed the requisite period of 240 days. Learned counsel for the applicant states that 14 of these applicants have completed the requisite period of 240 days by November and December, 1997 and 2 others have completed the requisite period by August, 1999 and November, 1999. Therefore, they should have been granted temporary status from the said dates and not as shown in the letter dated 6-10-2000. This was the only and proper action that should have been taken by the respondents, pleads Shri Karan Singh Dagar.

4. Fiercely opposing the claims of the applicants, Shri Madhav Panikar, learned counsel for the respondents points out that 17 applicants including all the 16 who have come as applicants in this OA had earlier filed an OA 753/2000, which was disposed of on 17-11-2000. Shri Panikkar refers to the paragraph 8 of the said order, which reads as below :-

"To a specific question whether the applicants were challenging conferral of temporary status upon them w.e.f. 6-10-2000, the learned counsel of the applicants stated that they are not challenging the same as the question of limitation will arise. However, he insisted that the applicants must be accorded regularisation immediately as sufficient number of vacancies in Group-D exist at present."

Having thus abandoned the challenge to the order dated 6-10-2000, it was not open for them to assail the very same order, states Shri Panikkar.

5. I have carefully considered the matter and find that the point made by the learned counsel for the respondents is valid. As all the 16 applicants

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were the applicants in OA 753/2000, wherein the challenge to the order dated 6-10-2000 has been abandoned specifically, they do not have a case to appear before the Tribunal once again to challenge the same order and that too without disclosing the earlier OA and the decision therein. Their having withdrawn the challenge earlier, they cannot institute a further challenge by the back door, as they are attempting to do now. This case is squarely covered by the principle of res-judicata.

6. In the above view of the matter, the OA is devoid of any merit. It fails and is accordingly dismissed. No costs.

(GOVINDAN S. STAMPI)
MEMBER (A)

/vks/