

14

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.937/2001

This the 7th day of March, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

1. Vijay Pal Singh S/O Baljit Singh
R/O Prem Nagar, New Delhi.
2. Ram Narayan S/O Arjun Singh
3. Ram Karan Singh S/O Shivraj Singh
4. Surinder Singh S/O Meharban Singh
5. Suresh Prasad S/O Ram Avadh
6. Om Prakash S/O Harish Chand

(All are working as Mate, Delhi
Milk Scheme, West Patel Nagar,
New Delhi).

... Applicants

(None present)

-versus-

1. Union of India through
Secretary, Ministry of Agriculture,
Rafi Marg, New Delhi.
2. Delhi Milk Scheme
through General Manager,
Shadipur, Delhi.

... Respondents

(By Ms. Meenu Mainee, Advocate)

ORDER

Hon'ble Shri V.K.Majotra, Member (A) :

Applicants, six in number, hold the posts of Mate with respondents and are aspirants for promotion to the post of Heavy Vehicle Driver (HVD). They had instituted an OA earlier, namely, OA No.2987/1997 which was disposed of by order dated 4.9.1998 (Annexure-C) directing respondents to consider cases of applicants also for promotion to the post of HVD provided they were found fit

Vb

and eligible. Despite these directions, it is alleged that respondents refused to consider applicants' claim for promotion to aforesaid posts of HVD. This, in short, is the grievance of applicants in the present OA. They seek quashing and setting aside of order dated 15.11.1999 (Annexure-A) whereby they have not been found fit for promotion to the post of HVD in terms of the relevant recruitment rules. They have further sought direction to respondents to promote them to the post of HVD.

3. Applicants remained unrepresented at the time of final arguments. We have proceeded to dispose of this matter in terms of rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987, after taking into consideration the arguments advanced by learned counsel of respondents, material on record and respective pleadings.

4. Learned counsel stated that this OA is barred by res judicata as the same relief as claimed herein was the subject matter of the earlier OA No.2987/1997 which was disposed of vide order dated 4.9.1998.

5. We find that through the earlier OA No.2987/1997 applicants had sought the same reliefs as claimed herein. As such, certainly, the present OA is barred by res judicata and is accordingly dismissed.

6. However, we find that applicants had filed CP No.158/1999 in OA No.2987/1997 contending that directions contained in order dated 4.9.1998 in the OA had not been

implemented by respondents. In the CP, respondents submitted that applicants do not fulfil the terms and conditions of recruitment rules for promotion, as they are Mates, and not eligible for promotion as HVD. However, ^{learned} counsel of respondents agreed that respondents would not have any objection if applicants applied for recruitment against 50% direct recruitment quota for the post of HVD. In this view of the matter, respondents were told that in case applicants applied for the post of HVD against the direct recruitment quota, they should be considered for appointment as HVD in accordance with the relevant rules. Dismissing the CP, respondents were directed accordingly.

7. Orders in the CP were made on 16.8.2000. We find that respondents have not passed any orders after considering applicants' candidature for direct recruitment on the post of HVD. Having given to understand that respondents would consider applicants' candidature for direct recruitment for the post of HVD in accordance with relevant recruitment rules, nothing withholds respondents from considering applicants' candidature as such. Accordingly, in the interest of justice, respondents are directed to consider applicants' case for the post of HVD against direct recruitment quota, in accordance with the relevant recruitment rules within a period of three months from the service of these orders.

Kuldeep
(Kuldip Singh)
Member (J)

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

/as/