

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(P)

O.A. NO.1645/99

HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

New Delhi, this the 5th day of January, 2000

1. Mr. Girish Kandpal
S/o Sh. K.R. Kandpal
R/o X-352, Sarojini Nagar
New Delhi 110 023
2. Mr. Abid Ali
S/o Sh. Md. Suleman
R/o 90-A, Usman Manzil
Basti Hazrat Nizamuddin
New Delhi
3. Mr. Iftakhar Wasi
S/o Sh. Md. Daud
R/o C/o Mr. Umam Saheb
01, Red Cross Road
New Delhi 110 001
4. Mr. Anuj Kumar
S/o Sh. Satya Vir
C/o Mr. Anil Panwar
R/o 57, Ber Sarai
Near J.N.U., New Delhi 110 016
5. Mrs. Hansa Phuloria
W/o Sh. Pradeep Kumar
R/o B-132, Gali No.7
East Vinod Nagar
Delhi 110 091
6. Mrs. Mitul Biswas
W/o Sh. B.B. Biswas
R/o C/o Mr. Dharam Pal
WZ-605B, Opp. Jain Dharamshala
Palam Gaon, New Delhi 110 045
7. Ms. Indu Sharma
D/o Sh. K.L. Sharma
R/o C-6/96-B
Lawrence Road, Delhi 110 035
8. Ms. Anita Rawat
D/o Sh. A.S. Rawat
31-L, Pocket A-3
Kalkaji Extension, New Delhi 110 019
9. Ms. Shalni Singhal
D/o Sh. Jagdish Prasad
R/o C/o Mr. Pradeep Kumar
B-132, Gali No.7
East Vinod Nagar, Delhi 110 091 ...Applicants
(By Advocate: Shri M.C. Dhingra)

Versus

1. Union of India
Through Secretary
Ministry of Industry
Udyog Bhavan, New Delhi

17

2. Chairman
Tariff Commission
7th Floor, Lok Nayak Bhawan
New Delhi - 110 003

... Respondents

(By Advocate: Shri V.S.R. Krishna)

O R D E R

Hon'ble Smt. Shanta Shastry, Member(A)

The applicants, nine in number, are aggrieved by the impugned order dated 15th July, 1999 by which while their period of engagement as full-time Data Entry Operators is extended upto 30th July, 1999, in the same order it has been mentioned that this order may be treated as 15 days notice to the applicants that their services will not be continued beyond 30.7.1999.

2. The applicants were initially appointed with the Bureau of Industrial Costs and Prices as full-time Data Entry Operators (in short 'DEOs') with effect from 28.8.1993, 28.8.1997, 25.6.1997, 27.6.1997, 15.7.1997, 2.2.1998, 2.2.1998, 28.7.1998 and 28.7.1998 respectively. They were engaged initially for a period of six months and their appointment was extended from time to time by separate orders without any break. The last extension of the period was upto 30th July, 1999 as stated in the impugned order.

3. The BICP was merged with Tariff Commission with effect from 1.4.1999. The applicants were working on consolidated monthly fee of Rs.3500/-. The learned counsel for the applicants argues that there is plenty of work available as can be seen from the

status of on-going studies for the year 1998 given at Annexure A-4. Though there is merger of BICP with the Tariff Commission, the scope has been enlarged and there are several studies to be undertaken for which the services of the applicants would be necessary. There is enough scope to retain the applicants. Instead the respondents are trying to engage fresh employees in the guise of trainees. The applicants cite the case of one Ankush Chopra who has been taken as a trainee to do the job of DEO.

4. The respondents have not filed any counter in spite of being given sufficient time to do the same. The learned counsel for the respondents submits that the respondents have not filed any reply because in this case the applicants' grievances have already been considered once by this Tribunal in O.A. No.1611/98, decided on 14th May, 1999. This Tribunal had allowed the O.A. partly with the directions that "the applicants shall be allowed to continue on the projects they are working till those projects are over and shall be replaced, if necessary, only by seniors awaiting such jobs. Further, before appointing any such fresh contract appointee, the respondents shall consider engaging those already working on projects likely to be finished or those who were awaiting such appointments after having completed some projects earlier depending on comparative seniority. The respondents shall consider providing relaxation in age to deserving applicants while filling up the regular vacancies of the Computer Operators alongwith others." In view of this decision, according to the learned

counsel for the respondents, the O.A. needs to be dismissed on the ground of res-judicata. The submissions made by the learned counsel for the applicants are not at all new as these were the very submissions made in the O.A. No.1611/1998.

5. The learned counsel for the applicants submits that no doubt the matter in O.A. No.1611/1998 was the same, and three of the applicants, namely, Shri Girish Kandpal, Shri Abid Ali and Shri Iftakhar Wasi were parties in that O.A., but at that time the applicants had only apprehensions of their services being terminated and now the applicants have approached again because their services have actually been terminated. This being the difference, the O.A. cannot be said to be attracting the principles of res-judicata.

6. I have heard both the counsel for the applicants and the respondents. It is true that there is slight difference in the present O.A. and the O.A. No.1611/1998. At the same time the decision in the O.A. No.1611/1998 has already taken care of the situation that has arisen now. The directions were very clear and would apply even when the applicants' services have been terminated. I, therefore, dispose of this O.A. with the direction to the respondents to comply with the order of this Tribunal dated 14th May, 1999 in O.A. No.1611/1998.

7. I do not order any costs.

Shanta Shastray
(Smt. Shanta Shastray)
Member (A)