

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1996/99

M.A. No. 2378/99

New Delhi this the 1st day of February 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mrs. Shanta Shastry, Member (A)

1. Shri L.B. Nirola,
S/o Shri B.B. Nirola,
R/o H. No. 81, Shyam Block,
Kailash Nagar, Delhi-110031.

2. Shri Ranjit Kumar
S/o Shri Jamna Prasad,
R/o C-382, Dr. Ambedkar Nagar,
Sector-V, New Delhi-110062.

...Applicants

(By Advocate: Shri T.C. Aggarwal)

Versus

Union of India through

1. Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi-110001.

2. The Director General,
All India Radio, Akashwani Bhawan,
Parliament Street, New Delhi-110001.

3. Chief Engineer,
Civil Construction Wing,
All India Radio, Floor-II,
P.T.I. Building, Parliament Street,
New Delhi-110001.

...Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER (Oral)

By Reddy, J.-

Heard the counsel for the applicants and the respondents. This matter appears to be barred by res-judicata. The applicants filed earlier OA No. 1426/96 seeking regularisation in the service of the Ministry of Information and Broad-Casting. The case of the applicants is that they have been working with the respondents from 1992 and hence they are entitled for regularisation. The respondents refuted the contention submitting that they never engaged the applicants, and in fact they have been engaged by

CAB

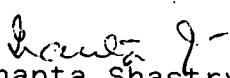
the contractor. The learned Judge of the Tribunal while disposing of the OA 1426/96 by order dated 13.5.97 found it difficult to hold that the applicants are the employees of the respondents. In the circumstances, the Tribunal directed that the applicant should be taken in service as and when suitable posts have been created by the respondents subject to their fulfilling the requisite minimum qualifications.

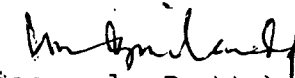
2. The applicants again seek the same relief of regularisation in the OA. It is stated that the applicants have been dis-engaged, pending the OA. The MA-2378/99 is filed by the applicants for re-engagement.

3. It is submitted by the learned counsel for the respondents that the applicants having ^{been} found surplus have been disengaged by the Contractor and that no direction can be given in this regard against the respondents.

4. Since the same relief as claimed in the OA has already been considered and disposed of in the earlier OA, the judgment in the earlier OA operates as res-judicata and the OA is liable to be dismissed on this ground.

5. It is open to the applicants to move the Labour court against the order of removal of the applicants. No costs.


(Mrs Shanta Shastri)
Member (A)


(V. Rajagopala Reddy)
Vice-Chairman (J)