

15

Central Administrative Tribunal, Principal Bench

Original Application No.2704 of 1999

New Delhi, this the 15th day of September, 2000

Hon'ble Mr.Govindan S.Tampi,Member (Admnv)

Avdhesh, r/o B Block, Sector 8, Jhuggi
No.1299, Noida (U.P.). - Applicant

(By Advocate -None)

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Telecommunications, Sanchar Bhawan, New Delhi.
2. Chief General Manager (West), Department of Telecom, Dehradun.
3. General Manager I, Dept. of Telecom Jaina Tower Sector-2, Raj Nagar, Ghaziabad.
4. General Manager II, Telephone Exchange, Sector 19, Noida.
5. Junior Engineer (Telecom) Telephone Exchange, Sector 19, Noida. - Respondents

(By Advocate Shri K.R.Sachdeva)

O R D E R (Oral)

None for the applicant. The pleadings in this case are complete. The case is taken up for disposal in view of the provisions of Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. In this case the applicant has challenged his disengagement as casual labour.
3. It has been pointed out by Shri Sachdeva, learned counsel for the respondents that same issue in respect of the same applicant has already been disposed of by this Tribunal in OA No.1352 of 1998 (Avdhesh Vs. Union of India & ors) on 22.4.1999 wherein the Tribunal has passed the following orders:-

"I find that as the applicant has been working as part-time casual labour, no preferential claim for engagement on full time basis is created. He can only have a prior claim for

.. 2 ..

engagement as part time casual labour over freshers and outsiders. In case any benefit accrues to him under the Circular issued by the Telecom Department, he can make his claim on that basis to the respondents. This is however not the relief claimed by the applicant in the present case. The OA is therefore dismissed as being devoid of merit".

It is the same issue which has been agitated, except only one difference is the date of the order.

4. As the issue has already been decided by the Tribunal in earlier OA 1352/1998 on merits, the applicant cannot again agitate the same issue by filing a fresh OA.

5. In the result, the OA is dismissed. No costs.

(Govindan S. Tamai)
Member (Admnv)

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