

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.463/98

(2)

New Delhi, this the 2nd day of March, 1998.

Hon'ble Shri Justice K.M. Agarwal, Chairman
Hon'ble Shri R.K. Ahooja, Member(A)

Shri Jagdish Kumar Khosla,
Flat No.2103,
Delhi Administration Flats,
Gulabi Bagh,
Delhi-110007.

.....Applicant

(By Advocate Shri H.S. Dahiya)

Versus

1. Union of India
through
Lieutenant Governor, "Raj Niwas",
National Capital Territory of Delhi.
2. Chief Secretary,
Government of National Capital Territory
of Delhi,
6, Shamnath Marg,
Delhi-110006.
3. Commissioner-Cum-Secretary,
(Land and Building Deptt),
Government of National Capital Territory of Delhi,
VIKAS BHAWAN,
I.P.Estate,
New Delhi-110002.

.....Respondents

ORDER (ORAL)

Shri Justice K.M. Agarwal

Learned Counsel for applicant submitted that the respondents have not been filling up the post of Additional Legal Advisor in any of the methods mentioned

Km

3

in the Schedule to the Recruitment Rules which have been filed as Annexure A-4 according to which the appointment is to be made by direct recruitment or transfer on deputation or promotion, the precise method to be adopted each time in consultation with the U.P.S.C. According to the Ld. counsel, the respondents have been resorting to making appointments on contract basis. The applicant is a Deputy Legal Advisor and if the respondents decided to fill up the post by promotion, he would be entitled to consideration and, therefore, he wants a direction to the respondents to take steps for filling up the post by resorting to the Recruitment Rules and not on contract basis as has been done in the past. However, we do not find any such relief claimed in the present O.A.

The record shows that earlier O.A.2038/96 was filed by the applicant, which was dismissed as withdrawn on the ground that the applicant had already obtained the reliefs claimed in the previous petition. On being questioned, if reliefs similar to those claimed in this application were claimed in the earlier application, learned counsel submitted that there was slight difference in the reliefs claimed in the earlier application than those claimed in this application. A copy of the application filed earlier has been filed as Annexure A-9 and going through the relief clause 8 of the earlier application, we do not find much difference between the reliefs claimed in the earlier and the present application. The learned counsel submitted that earlier application for amendment was filed but that was not allowed and the applicant was given liberty to file a fresh application. However, this is not substantiated by the copy of order filed as Annexure A-14. It appears that the learned counsel is referring to the Interim Order made on 21.1.97 by the Tribunal but that order has

Jm

(X)

merged in the ultimate order that was passed on 16.5.97
(Annexure A-14).

In the light of aforesaid facts, we find no case
for interference in the present application and
accordingly it is hereby summarily dismissed.

JK

(K.M. AGARWAL)
CHAIRMAN

R.K. Ahooja

(R.K. AHOOJA)
MEMBER(A)

/MISHRA|