

(25)

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.84 of 1998

New Delhi, this 23rd day of November 2000

HON'BLE SHRI KULDIP SINGH, MEMBER(J)  
HON'BLE SHRI M.P. SINGH, MEMBER(A)

Ganga Dutt  
S/o Shri Devi Dutt Joshi  
C/o Shri Satya Mitra Garg, Advocate  
2 Chinar Apartments Sector-9 Rohini  
Delhi 110085 ...Applicant

(By Advocate: Shri S.M.Garg)

versus

1. Central Public Works Department~  
through its Director General (Works)  
Nirman Bhawan  
New Delhi 110001
2. The Executive Engineer  
Parliament Works Division-II  
CPWD, Parliament House  
New Delhi ... Respondents

(By Advocate: Shri K.C. Dewan, not present)

ORDER(Oral)

Hon'ble Shri Kuldip Singh, M(J)

This OA has been filed by the applicant seeking regularisation to the post of Work Assistant.

2. The applicant had earlier filed OA.No.936/96 in this Tribunal in which relief prayed for i.e., regularisation to the post of Work Assistant, as also the memo of parties, were the same as in the present OA which has been filed on 6.1.1998. The said OA.936/96 was rejected by this Tribunal on 10.5.1996.

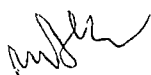
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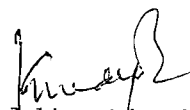
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3. The respondents, in their reply, have taken a preliminary objection that this OA is barred by res judicata. The applicant cannot file a similar application seeking same relief already adjudicated upon.

4. However, the learned counsel for the applicant tried to justify his stand by stating that even after the dismissal of the earlier OA, the applicant has been able to collect fresh material to show that he has been performing the duties of Work Assistant and not of Chowkidar. Thus the present OA is not barred by the principle of res judicata.

5. However, we are not satisfied with the contention of the learned counsel for the applicant because all the pleas taken by the applicant in this OA were adjudicated upon and decided by the Tribunal on 10.5.1996 in OA.936/96. So the present OA is clearly hit by the principle of res judicata. We find no merit in this OA. Same is accordingly dismissed. No costs.

  
(M.P. Singh)  
Member(A)

  
(Kuldip Singh)  
Member(J)