

Central Administrative Tribunal
Principal Bench

O.A. No. 2580 of 1994

New Delhi, dated this 29th September, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

S/Shri

1. P.S. Chandel,
S/o Shri Milkhi Ram,
R/o II-G, Sector IV, Pushpa Vihar,
M.B. Road, New Delhi.

2. R.K. Mongia
S/o Shri Kashmiri Lal

3. S.K. Ahuja,
S/o late Shri Ram Parkash Ahuja

4. Jagdish Prasad,
S/o late Shri Nathu Ram.

5. S.K. Batabyal,
S/o late Shri Umpapada Batabyal

6. R.K. Sood,
S/o Shri A.C. Sood

7. D.P. Badola
S/o late Shri D.N. Badola.

... Applicants

(By Advocate: Shri B.B. Raval)

Versus

1. Union of India through
the Cabinet Secretary,
Rashtrapati Bhawan, New Delhi-110004.

2. The Secretary,
Research & Analysis Wing,
Cabinet Secretariat,
Room No. 8-B, South Block,
New Delhi-110011.

3. Shri C.P. Arora,
Asst. Research Officer (Tech.),

4. Shri Vinod Kad,
Asst. Research Officer (Tech.)

5. Shri B. Govil,
Asst. Research Officer (Tech.)

6. Shri P.C. Madan,
Senior Research Assistant (Tech.)

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7. Shri Daulat Ram,
Sr. Research Asst. (Tech.)

8. Shri M.P. Sharma,
Research Asst. (Tech.)

9. Shri Rajesh Srivastava,
Research Asst. (Tech.),

10. Shri S.L. Gupta,
Research Asst. (Tech.),

11. Shri S.A. Sudharaman,
Research Asst. (Tech.),

12. Shri S. Murugesan,
Research Asst. (Tech.)

... Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants who are Junior Research Assistants (Tech.) in Research & Analysis Wing (RAW), Cabinet Secretariat impugns respondents orders dated 3.12.93 (Annexure A) and seek inclusion in the Technical Research Cadre and promotion as Research Assistants; Senior Research Assistants and Asst. Research Officer w.e.f. the date their allegedly "ineligible, overaged and underqualified" juniors were promoted with difference in pay and allowances, interest @ 8% p.a. and costs.

2. Heard both sides.

3. An identical prayer was made by applicants in O.A. No. 2327/88 which was disposed of by order dated 1.5.92 (Annexure A-14). The prayer was not granted and the O.A. was disposed of the following observations.

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.....From that end in view, though it may not be possible to allow any of the reliefs claimed, as such, in the present O.A., we direct the respondents to re-examine the cases of all the applicants, individually, and see if all or any of them (excepting those whose services have since been terminated, in whose case, respondents' action would be subject to the decision of the O.A. filed by them in that regard), can be granted any of the reliefs claimed by them, in this O.A. Action on these lines will serve the dual purpose of ensuring compliance of rulings of the Superior Courts, to provide adequate promotional avenues during the service career, besides bringing about the much desired change in the attitude of the applicants, to put in their best, in the jobs entrusted to them.

With the above observations, the O.A. is disposed of, with no order as to costs."

4. Against that order dated 1.5.92 applicants filed SLP No. 2803/93 in the Hon'ble Supreme Court which was dismissed with the following order on 12.2.93.

"Delay Condoned.

Since the Tribunal has directed Union of India to reconsider the whole matter we are not inclined to interfere with this special leave petition. At this stage Mr. Parkhi withdraws this petition. The special leave is dismissed."

5. By impugned order dated 3.12.93 (Annexure A) applicant No.1 Shri P.S. Chandel was informed with reference to his representation dated 4.6.93 that the prayer for inclusion in the Technical Research Cadre

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could not be acceded to for the reasons contained in the order, but respondents were seized of the matter regarding the further promotional avenues for JRAs (Tech.).

6. A Writ Petition bearing No. 667/94 filed by applicant Shri P.S.Chandel & Others before the Hon'ble Supreme Court under Art. 32 of the Constitution was dismissed after preliminary hearing on 7.11.94 (Annexure A-19).

7. Meanwhile applicants have not denied in their rejoinder, the specific averment made by respondents in Para 2 of their reply that relaxation in age and technical qualifications were given to 5 out of the 7 applicants who were in service (Applicants No.6 & 7 had been dismissed from service earlier) for appointment to the post of Research Assistant. Out of the 5, applicants No.2 & 3 did not appear in the Examination held for the said post, which under the rules is filled on direct recruitment basis, while applicant No.5 who cleared the examination was appointed as Research Assistant vide order dated 9.5.95 (Annexure R-1).

8. As the same cause of action between the same parties has been adjudicated upon in the previous litigation referred to above, this O.A. is squarely hit by the Principle of Res Judicata.

9. The O.A. is accordingly dismissed. No costs.

Kuldip Singh
(Kuldip Singh)
Member (J)

/GK/

S.R. Adige
(S.R. Adige)
Vice Chairman (A)