

- 14 -
CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1371 of 2000

New Delhi, this 4th day of May, 2001

HON'BLE SHRI KULDIP SINGH, MEMBER(J)

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S/o Late Shri Duli Chand

R/o Qr.No.18, Type-I, Delhi College of Engineering

New Campus

Bawana Road, Badli, Delhi-42

.. Applicant

(By Shri Irshad Ahmad, proxy for Shri Rajeshwar Singh, Advocate)

versus

1. Govt. of NCT of Delhi, through
Chief Secretary
5, Shamnath Marg, Delhi-54

2. Principal
Delhi College of Engineering
New Campus, Bawana Road, Badli, Delhi .. Respondents

(By Shri Vijay Pandita, Advocate)

ORDER(oral)

This OA has been filed by applicant under Section 19 of the A.T.Act, 1985 challenging the impugned order dated 5.3.1999 issued by respondent no.2 whereby his services as Safai Karmachari have been terminated.

2. The OA discloses that this is the second round of litigation as earlier also applicant has filed an OA bearing No.1810/99 impugning the same order as in present OA. The said OA was dismissed.

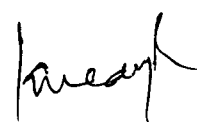
3. The facts in brief, as stated by applicant, are that at the time of hearing of the earlier OA, applicant had relied on Rule 2(b) and 3 of the CCS(Temporary Service) Rules, 1972, but the same have been deleted vide G.S.R.No.145 published in Gazette of India dated 11.3.1989. So, the case could not be properly put up

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before the Tribunal when the earlier OA was taken.

4. Respondents have taken up the preliminary objection that the OA is barred by the principle of res judicata as in the present OA applicant has taken the same plea and has also impugned the same order in OA.1810/99 which was dismissed.

5. I have gone through the order passed in OA.1810/99 and in para-4 of the said order it is specifically mentioned that by GSR No.145 published in Gazette of India dated 11.3.1989, both Rules 2(b) and 3 of the CCS(Temporary Service)Rules,1972 have been deleted with effect from ^{published} that date. So, I find that no fresh ground has been taken. The OA is also hit by res judicata and is not maintainable. As such, the OA is rejected. No order as to costs.


(Kuldeep Singh)
Member(J)

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