

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1970/90
T.A. No.

199

DATE OF DECISION 2nd August, 1991.

<u>Shri Chet Bahadur & Others</u>	Petitioner
<u>Shri K.L. Bhatia</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. through the Secretary,</u>	Respondent
<u>Planning Commission</u>	
<u>Mrs. Raj Kumari Chopra</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN (J)

The Hon'ble Mr. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER


1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*


JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The reliefs sought in the present application are that the respondents be directed to appoint the applicants as Peons forthwith ~~xxxxxxxxxxxxxxxxxxxx~~ and that they be deemed to be in regular employment as Peons from 21.4.1989. The respondents have filed a short reply opposing the admission and the applicants have filed their rejoinder affidavit.

2. We have gone through the records of the case and have heard the learned counsel of both parties. The applicants before us had filed in the Tribunal OA 858/89 for redressal of the same grievances, as in the present application. The said OA was disposed of by judgement dated 9.8.1989 to which one of us

(Shri P.K. Kartha) was a party. The Tribunal held that the termination of the services of the applicants by the impugned order dated 21.4.1989 cannot be faulted on the ground that they had not been given any show cause notice before such termination. The reason is that the respondents never intended to act upon a list of candidates purported to have been sent by the Employment Exchange which, in fact, turned out to be a fake one. The applicants had stated that there were vacancies in the post of Peons in the office of the respondents. They had also stated that their names had been registered with the Employment Exchange. In view of this, the Tribunal directed that the respondents shall verify the fact of the registration of the applicants with the Employment Exchange and consider them also for appointment as Peons in the existing or future vacancies along with other candidates sponsored by the Employment Exchange and appoint  them as Peons, if they are otherwise found to be suitable for such appointment and if, on verification, the respondents are satisfied that the applicants were in no way responsible for their initial appointment as Peons on the ~~xxxx~~ basis of the fake communication from the Employment Exchange.



3. The applicants filed CCP 99/89 in OA 858/89, which was disposed of by judgment dated 14.9.1990. It was observed that the appointment of the petitioners as Peons was subject to the verification and satisfaction by the respondents of certain conditions mentioned above. In case the petitioners felt aggrieved by their non-appointment as Peons, it was observed that, they may, if they are so advised, file a fresh application in the Tribunal in accordance with law. That is how the present application came to be filed, according to them.

4. The learned counsel of the respondents fairly stated before us that the respondents are in the process of giving effect to the judgment and considering the suitability of the applicants for appointment as Peons. It was, however, contended that no new directions could be given to the respondents in the present application as the matter has already been decided and appropriate directions have been given to the respondents in OA 858/89. The learned counsel of the respondents also relied upon the decision of the Madras Bench of this Tribunal in G. Subramanian Vs. The Director of Accounts(Postal), Tamil Nadu Circle and Another, reported in 1990(1) CAT 87 in support of her contention that successive applications on the same cause of action are not legally maintainable.

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5. In our opinion, in a case of this kind whatever directions are to be issued to the respondents have been issued in OA 858/89 and no new directions are required to be given.

6. The learned counsel of the applicant stated that as the applicants are without any job, the respondents be directed to take a decision expeditiously.

7. As we have been informed that the respondents are in the process of implementing our judgment dated 9.3.1989, we do not think it appropriate to pass any further directions to the respondents. We hope that the respondents would implement the judgment expeditiously in letter and spirit.

There will be no order as to costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL) 24/8/91
MEMBER (A)

P.K. Kartha
(P.K. KARTHA)
VICE CHAIRMAN (J)