

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.
* * * *

(1)

Dated: June 3, 1992.

CCP 164/92,
MP 1478/91 in
OA 2953/91

Krishan Pal & Anr. ... Petitioners.

Vs.

Union of India & Ors. ... Respondents.

CORAM:

THE HON'BLE SHRI P.C. JAIN, MEMBER (A).

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Petitioners ... Shri K.N.R. Pillai,
Counsel.

For the Respondents ... Shri Jog Singh,
Counsel.

O R D E R (ORAL)

(DELIVERED BY HON'BLE SHRI P.C. JAIN, MEMBER (A).)

Shri Jog Singh, Advocate appears for the respondents even though no notice has yet been issued in the CCP.

2. Shri Pillai submits that in pursuance of the interim order passed on 10.12.91, which was continued on 24.12.91 and further till further orders on 7.1.92, the petitioners were continued in service. However, they were again orally discharged on 31.3.92 and again re-engaged in the beginning of May, 1992. It has to be noted that in OA 2953/91 in which the aforesaid interim order had been passed, the petitioners had challenged the verbal discharge orders given to them w.e.f. 11.12.91

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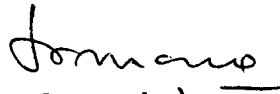
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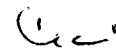
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and their proposed replacement by fresh candidates, called for from the Employment Exchange. It is thus clear that it was their discharge w.s.f. 11.12.91 and replacement by fresh candidates, which was the subject matter of OA 2953/91. The learned counsel concedes that in view of the interim order, the petitioners continued in service until 31.3.92 when they were again discharged even though outsiders were allowed to continue.

3. The discharge on 31.3.92 obviously was not a subject matter of challenge in the OA in which the aforesaid interim order had been passed and as such the CCP is not maintainable. The learned counsel for the respondents also submitted that the petitioners were sought to be discharged w.e.f. 11.12.91 along with six other persons. He further submitted that all the aforesaid eight people were discharged from 31.3.92. However, when for the summer season, Watermen were required, all the eight people including the two petitioners were asked to come and join. Earlier they did not come, but ultimately they joined around 6th May, 1992.

4. In view of the above discussion, the CCP is rejected as not maintainable.


(J.P. SHARMA)
MEMBER (J)


(P.C. JAIN)
MEMBER (A)