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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No 1200/2004

New Delhi this the 14th day of May, 2004

Hon'ble Shri S.K.Naik, Member (A)

Shri Surjeet Kumar,
S/O Shri Prehlad Rai,
Village/ PO Mathura Pur
Distt. Malda (West Bengal)
Retrenched Casual Labour
under Signal Inspector (Works)
(Respondent No.3 Office)

. Applicant

(By Advocate Shri D.R.Roy)

VERSUS

1. Union of India through the
Secretary, Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railway Head Quarters
Baroda House, New Delhi.
3. The Divnl. Railway Manager (DRM for short)
State Entry Road, New Delhi.

. Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.
Through this OA the applicant has sought reengagement
with the respondents on the strength of his merit
position which he states is 1057 in the panel drawn
during the year, 1980 but declared during the year 1990
and grant him seniority as per the status and further
fix his seniority notionally. Learned counsel has also
contended that when he had approached the Tribunal
earlier vide OA 2732/2003 he was not in a position to
supply relevant supporting documents. Learned counsel
relies upon the judgement of the Supreme Court in Writ
Petition No.(C) 548/2000 in **Inder Pal's** case decided on
13.1.2003 and the Scheme of the Railways (Ann.A.1). In
other words, the learned counsel intends to revive the

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order

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matter which has ^{already} ~~also~~ been considered and dismissed by the Tribunal earlier vide order dated 12.11.2003 on the ground of laches and delays on the strength of Supreme Court judgement and the circular of the Railways relied upon.

2. As already observed by the Tribunal in the earlier judgement the cause of action arose to the applicant during the year 1980 to 1983 or at the most latest in 1990 when the panel as claimed was declared but the applicant had kept quiet ~~all~~ these years exceeding more ^{than} a decade and has filed the present OA on 12.5.2004, that too without any material to support his claim, even now when the matter is now being reagitated. I find that the reliance placed on the judgement of the Supreme Court and the circulars of the Railway Board nowhere refer to such long delay to be condoned/waived and that ^{an} erstwhile casual labour could not be reengaged. I am, therefore, of the opinion that the application is hit by the principle of res judicata. The same relief having been asked for earlier and adjudicated upon and reagitating for the same relief for the 2nd time is not maintainable. OA is accordingly dismissed at the admission stage without issuance of notice.

S. K. Naik

(S.K.Naik)
Member (A)

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