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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1577 OF 2004

New Delhi, this the 6th day of July, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Ram Swaroop,
S/o Shri Moti Ram
H.No.340, 'I' Block,
Nand Nagri, Sunder Nagri,
Delhi.

.....Applicant

(By Advocate : Shri R.K. Shukla)

Versus

1. Union of India through
The Secretary,
Department of Culture,
Ministry of Human Resources & Development,
Shastri Bhawan,
New Delhi.
2. The Director,
Central Secretariat Library,
Shastri Bhawan,
New Delhi.

.....Respondents

ORDER (ORAL)

The applicant Ram Swaroop has filed this Original Application seeking a direction for disposal of his representation dated 23.10.2003 as well as compliance of the directions of this Tribunal in OA NO.791/1999 dated 3.4.2000.

2. It appears from the order dated 3.4.2000 in OA No.791/1999 that the applicant, who was working as a casual labourer, was terminated by verbal orders w.e.f. 15.7.1994. This Tribunal observed that the OA filed in April 1999 was liable to be dismissed on the ground of limitation. However, Tribunal further observed as follows:-

"... However, considering the fact that they are stated to have employed other persons who are junior to the applicant, it is observed

Amr Singh

that this should not be held against the applicant. In other words, in case the respondents have work of a similar nature in which the applicant was employed prior to his dis-engagement w.e.f. 15.7.94 and in case the applicant makes an application to the respondents for further engagement, they may consider engaging him as casual labourer, subject to the fulfilment of the other eligibility conditions as provided in the relevant rules and instructions."

3. The applicant pursued his claim by filing CP No.420/20000 which was dismissed on 4.7.2001. The matter was taken up before the Hon'ble Delhi High Court in CWP No.5905/2001. The Hon'ble Delhi High Court vide order dated 25.9.2001 passed the following orders:-

"Petitioner was allegedly dis-engaged way back in 1994. He filed OA 791/99 which was disposed of by Tribunal by order dated 3.4.2000, requiring respondents to consider him for engagement. He later filed CP and alleged that he applied for re-engagement but Respondents had failed to do so. Tribunal dismissed his contempt application in the facts and circumstances of the case and we find no scope to interfere.

Petition is dismissed in limine."

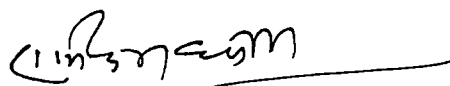
4. The applicant again filed OA No.670/2003. That OA was withdrawn by the applicant stating that "OA has now become infructuous".

5. The learned counsel in spite of all these facts insisted that a direction should be issued to the respondents to dispose of the representation of the applicant. I am of the opinion that such a request cannot be entertained. The Division Bench of

C. B. Sharma

(3)

Ernakulam of this Tribunal in the case of G. Muthuswamy Vs. The Divisional Personnel Officer, Southern Railway and others, 2002 (2) SLJ CAT 230 has held that OA cannot be entertained merely for issue of direction to dispose of the pending representation. A perusal of the facts as brought out earlier indicates that the applicant's services were terminated in 1994. For the first time in 1999, OA was filed. This Tribunal while disposing of that OA made a casual remarks that if there was a work and the applicant applied, the respondents could also consider the case of the applicant in accordance with rules. In the present Original Application, there is nothing on record to suggest that the applicant was not considered though he was applied and was eligible alongwith others. In the absence of any cause of action, the repeated filing of application will not make a case for the applicant. On these facts, it is not considered necessary to issue a notice to the respondents and this OA is rejected at the admission stage on the ground of there being no substantial cause in favour of the applicant. This OA is accordingly rejected being devoid of any merit without any order as to cost.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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