

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(A)

2.
O.A. 1755/92

Dated: 8.10.1993

Hira Lal Mali

Applicant

vs.

Union of India

Respondents.

Present: Shri G.S. Begrar, Counsel for Applicant.
None for the Respondents.

CORAM: Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

JUDGMENT (ORAL)

(Delivered by Hon'ble Mr. J.P. Sharma, Member (J)

The applicant has filed O.A. No. 1747/90 being aggrieved by non-declaration of his temporary status and removal from service by the respondents, Northern Railway. This application was dismissed by the Division Bench (Principal Bench) by the judgment dated 3.1.91 and aggrieved by this judgment the applicant filed SLP before the Hon'ble Supreme Court which was disposed of by the order dated May 8, 1991 upholding the judgment of the Tribunal and dismissing the SLP. However, it has been observed by their Lordships in the aforesaid order of dismissal that the respondents may take a sympathetic view of the case and if possible the consider the employment of the petitioner as a fresh recruit. In pursuance of the aforesaid observation in the judgment of dismissal of SLP dated 8.5.91 the applicant approached the respondents by way of making a representation and after waiting

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for a certain time he filed the present application No. 1755/92. The applicant prays for grant of relief of disposal of his representation dated 9.7.91 by making a speaking order and for taking the petitioner on duty as a fresh recruit. The Division Bench by its order dated 10.7.92 disposed of this application directing the respondents to dispose of the representation dated 9.7.91 by the respondents. Since no action was taken by the respondents the applicant filed the CCP before the Principal Bench which came for hearing on August 16, 1993 before the Division Bench where it has been observed that the direction for disposal of the representation was issued by the Tribunal when the respondents were not present before the Bench nor any notice was issued to them. The Division Bench therefore suo moto reviewed the aforesaid order passed by the Division Bench on 10.7.92.

2. This matter is listed today before us. The learned counsel for the applicant emphatically argued that the observations made by the Hon'ble Supreme Court while dismissing the SLP by the order of 8.5.91 has not been complied with by the respondents. This leaves further cause of action to the applicant to approach the Tribunal for redressal of that grievance. Firstly by observations the Hon'ble Supreme Court are only referred to the respondents to sympathetically consider the case of the applicant. This does not give a fresh cause of action in a matter which has already been disposed by the Tribunal by judgment in OA No. 1747/90 by the order dated 3.1.91. If the applicant has any grievance the applicant should approach the competent forum for redressal of the same. Therefore the application does not lie.