

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

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(3)

DATE OF DECISION : 3.4.92

O.A. NO.848/1992

SHRI MANDHAR LAL & ORS.

...APPLICANTS

VS.

UNION OF INDIA

...RESPONDENTS

O.A. NO.849/1992

SHRI DEV KARAN & ORS.

...APPLICANTS

VS.

UNION OF INDIA

...RESPONDENTS

CORAM

HON'BLE SHRI S.P. MUKERJI, VICE-CHAIRMAN (A)

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

FOR THE APPLICANTS

...SHRI K.L. BHATIA

FOR THE RESPONDENTS

...NONE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

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

The applicants in these cases have assailed the OM No.3/5/91 dt.31.5.1991. Since both the O.As. have been filed though separately, but concern the same matter, so they are disposed of together.

2. We have heard the learned counsel for the applicants at

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(A)

the admission stage itself. The reliefs claimed in both the O.As. are as follows :-

- (i) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to consider the retention and regularisation of ad-hoc L.D.Gs. serving in the various Ministries and Departments (including the applicants) having due regard to relevant factors and consistency with the law declared by the Hon'ble Supreme Court in various decisions.
- (ii) To pass an order declaring that the OM dt.31.5.1991 has no retrospective operation and that if it cannot be so read down, declare the said OM to be arbitrary and unconstitutional and violative of Articles 14 and 16(1) of the Constitution.
- (iii) To pass an order restraining the respondents from enforcing the said OM in a discriminatory manner by retaining persons junior to the applicants.
- (iv) In the event of the Hon'ble Tribunal deems fit, refer the matter to the Hon'ble Chairman for constituting a larger bench to resolve the conflict of views in judgements in OA 1537/91 and OA 668/88.

We find that the applicants of both the OAs. have earlier filed OA 1536/91 and OA 1537/91, which have been disposed of by the Principal Bench by the judgement dt.27.2.1992 in which one of us (Shri J.P. Sharma) was one of the Members. The issue involved in the present applications is almost the same, as has been agitated in the earlier OAs. 1536/91 and 1537/91. Thus the present Original Applications are barred by the principle of res judicata and are not maintainable. These Applications, therefore, are dismissed. The applicants may seek remedy available to them as may be advised under law.

(J.P. SHARMA)
MEMBER (J)

3.4.92

(S.P. MUKERJI)
VICE CHAIRMAN