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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO. 1433/93

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Date of decision: 30.07.1993.

Sh. Ashok Kumar & Or. Applicants
versus
Union of India & Ors. Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the applicants : Sh. V.P. Sharma, counsel

Judgement (oral)
(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The petitioners came to this Tribunal by means of O.A.No.852/91 which had been finally disposed of on 19.12.1991 with three directions. The first was that the respondents shall not make fresh recruitment through the Employment Exchange before considering the cases of the petitioners. The second was that the petitioners should be given preference in making the appointments and the last was that, in the event of their re-engagement, their past service should be taken into account for the purpose of their regularisation.

In the afore mentioned O.A., the reliefs claimed were, inter alia, these. The order/decision of the respondents terminating the service of the petitioners may be declared illegal and the same may be quashed. Directions be issued to the respondents for the reinstatement of the petitioners in service. The respondents may be directed to regularise the service of the petitioners as they had completed 180 working days' with the respondents.

In the present O.A., same relief has been claimed as was claimed in the earlier O.A. This is not permissible. If the present O.A. is not barred by the principle of res-judicata certainly it is barred by the doctrine of constructive res-judicata.

The learned counsel urged that some statutory scheme will come in existence in future. If such a scheme comes into existence and if under that scheme the petitioners are entitled to be considered for regularisation, it will be open to them to approach the authority concerned to give the benefit of the scheme. If the authority concerned refuses to give benefit of the scheme, it will be open to the petitioners to ventilate their grievance in an appropriate forum. We make it clear that the dismissal of this O.A. will have no impact on the judgement given in the earlier O.A.

With these directions, the present O.A. is finally disposed. There will be no order as to costs.

B.N. Dhondiyal
(B.N. DHONDIYAL)
MEMBER(A)

S.K. Dharon
(S.K. DHARON)
VICE CHAIRMAN