

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 796 of 2000

Allahabad this the 13th day of Sept. 2002

Hon'ble Mrs.Meera Chhibber, Member (J)

Moti Ram, aged about 35 years, Son of Sri Pyarey Lal, resident of 10/137 Subzi Mandi Behind Masjid Taj Ganj, Agra.

Applicant

By Advocate Shri M.P. Gupta

Versus

1. Union of India, through Secretary, Ministry of Human Resources and Development, Shastri Bhawan, New Delhi.
2. Director General, Archaeological Survey of India, Janpath, New Delhi.
3. Superintending Archaeologist, Archaeological Survey of India, 22 Mal Road, Agra.

Respondents

By Advocate Shri Rajiv Sharma

O R D E R

By Hon'ble Mrs.Meera Chhibber, Member (J)

This O.A. has been filed by the applicant claiming regularisation as Mason from the date when his juniors were regularised.

2. The applicant states that he has

been working as Mason with respondents since 1986 and had completed 377 days upto September, 1988. In the seniority list issued in 1989, the applicant has ^{been} shown at serial no.59. His services were discontinued in 1992 while his juniors were allowed to continue. Thus, claiming the same treatment as his juniors, as according to him he cannot be discriminated against, he has filed the present O.A.

3. Being aggrieved he filed O.A.No.1396 of 1993 before Principal Bench which was dismissed on 10.06.94(Annexure A-3 pg.18). Thereafter another O.A. was filed/^{bearing} O.A.No.2140/94, which was also dismissed on 23.02.1995. It is submitted by the applicant that since these O.As were dismissed on technical grounds, they cannot come in the way of applicant. After 1998 when All India Archaeological Survey Mazdoor Union submitted a representation to take back retrenched employees, the applicant was allowed to work w.e.f. 25.12.1998, and is still working.

4. The respondents have contested the O.A. by stating that since the applicant had earlier approached the Principal Bench and his O.As were dismissed, the present O.A. is not maintainable as he cannot be allowed to reagitate the same matter in different benches.

5. They have further stated that in 1992 the applicant had left the work on his own while those who continued were regularised, thuse, applicant cannot be allowed to raise this issue after over 8 years .


6. I have heard both the counsel. It is correct that earlier also the applicant had approached the Principal Bench, claiming the same relief of regularisation and direction to re-engage him. The Principal Bench after hearing the applicant's counsel had dismissed the O.A. on the ground of limitation. The said order dated 10.06.1994 was passed by a Division Bench by observing that even the date of termination from service of applicant has not been mentioned and no application for condonation of delay has been filed, therefore, after holding that O.A. as defective and not maintainable dismissed the same. It is seen that no liberty was taken by the applicant to file a fresh and proper O.A. which ought to have been taken. Thereafter the applicant again filed another O.A.No.2140/94 and even that was dismissed by Division Bench vide its order dated 23.02.85 on the ground of limitation.

7. The short point for consideration before me is whether the same person could be allowed to seek the same relief by filing another O.A. before a different bench. The answer is definitely 'no'. Once the O.A. was dismissed on the ground of limitation



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and if the applicant was aggrieved he should have moved the next higher Court. Having accepted that Judgment, the applicant cannot now be allowed to reagitate the same matter before the coordinate Bench that too before a Single Member Bench. The judicial discipline must be maintained and if a coordinate bench has already dismissed the O.A., I cannot entertain the same grievance nor can sit on appeal over the Judgment of a Division Bench. This is my considered view that the present O.A. is not maintainable. The applicant can file the fresh O.A. if there is a fresh cause of action but for same cause viz. to regularise his services from the date when his juniors were regularised, cannot be looked into in the circumstances of the case. As per applicant's own averments he is still working therefore, there is no fresh cause of action in favour of the applicant. In view of above discussion, the O.A. is dismissed with no order as to costs.


Member (J)

/M .M. |