



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original Application No. 555 of 2004
 Applicant (s) B.P. Mohapatra Respondent (s) Union of Induscons
 Advocate for Applicant (s) M/s. S.P. Mohanty Advocate for Respondent(s) P.K. Lenka
P. Lenka

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>I.P.O. No 501-2 chd.</p> <p>For orders re: registration as per the report in the scrutiny format.</p> <p><u>Sh</u> 19/8/04.</p> <p><u>Sh</u> 19.08.04.</p> <p><u>Registrar</u></p> <p><u>19/8/04</u></p> <p>Per Admission & Enrolment order - Copy served.</p> <p><u>Sh</u> 20/8/04</p> <p><u>Bun</u></p>	<p>REGISTER</p> <p><u>Sh</u> 19/8/04</p> <p>Registrar</p> <p><u>Order dated 23.8.2004</u></p> <p>Heard Shri P.K.Lenka, Advocate for the the applicant and Shri S.B.Jena, Addl.Standing Counsel (on whom a copy of the O.A. has been served) appearing on behalf of the Respondents.</p> <p>By filing this O.A. the applicant has ventilated his grievance that he has not been absorbed by the Respondents in regular Group-D post or any other E.D. post and therefore, he has sought for direction to be issued to</p>

Respondents to implement the order dated 3.7.1998 passed by this Tribunal in O.A. 525/97. We have perused the order passed by this Bench as referred to above. In Para-5 of the order, it was directed as under :-

"In view of the above circular we feel that this petition can be disposed by issuing a direction to the departmental authorities to consider the candidature of the applicant for any ED post to which he makes an application; provided that he fulfils all the conditions and his name is either recommended by the Employment Exchange or it is proved by him that for his initial appointment as casual labourer his name was sponsored by the Employment Exchange".

Admittedly the applicant has not applied for any post all these years and therefore, the other two conditions, i.e., his candidature to be sponsored by the Employment Exchange or he is to prove that his name was sponsored by the Employment Exchange at the time of his appointment as casual labourer remained without proof. It is also seen that during last six years, the applicant had remained in oblivion and it is only to-day, he has, by filing a new O.A. approached the Tribunal to revive the old and settled issue. As the matter was adjudicated long back in July, 1998 and six years' time has in the meantime elapsed the question whether he is entitled to be absorbed as an ED Agent in the Department is no more open to be adjudicated by this Tribunal once again in the garb of a new O.A.

In the circumstances, we hold

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to the Council
for both side

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that this O.A. is hit by the principles of constructive
res judi cata and therefore, the same is dismissed being
not maintainable.

Indes 298
VICE-CHAIRMAN

J.O.
MEMBER (JUDICIAL)

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