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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 95 of 2005
Cuttack, this the 5th day of May, 2005

Bishnu Charan Samal Applicant
vs
Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? Yes


(B.N. SAM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 93 of 2005
Cuttack, this the 5th day of May, 2005

CORAM :

HON'BLE SHRI B.N.SQM, VICE-CHAIRMAN

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Shri Bishnu Charan Samal, aged about 46 years, S/o. Shri N.C.Samal, Presently working as Work Shop Attendant, M.I.T.I, Choudwar, Dist. Cuttack.

..... Applicant

By the Advocates

- M/s. B.S.Tripathy-1, J.Mohanty
L.M.Pati.

VERSUS

1. Union of India, represented through Secretary to Govt. of India, Ministry of Labour(DGE&T), New Delhi-110001.
2. The Regional Director, Regional Directorate of Apprenticeship Training, (Eastern Region), D.F.Block, M.S.O. Building, C.G.O. Complex, E.Wing, 1st Floor, Salt Lake, Sector-1, Kolkata-700064.
3. Principal, Model Industrial Training Institute, Choudwar, Dist-Cuttack.

..... Respondents

By the Advocate

- Mr. U.B.Mohapatra (SSC).

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O R D E R

SHRI B.N.SQM, VICE -CHAIRMAN :

Shri Bishnu Charan Samal has filed this O.A. challenging the impugned order dated 17.2.05 passed by Respondent No.3 reverting him from the post of Work Shop Attendant to the post of Daftry with effect from 3.10.2000 and asking him to continue to work at M.I.T.I., Choudwar.

2. The applicant had visited this Tribunal earlier in O.A. No. 418/95 and in O.A. 96/2000. In the earlier rounds of litigation also he had agitated his claim for regularization of his service in the post of Work Shop Attendant. The O.A. 96/2000 was disposed of on 21.11.03 observing that the applicant's turn for regularization to the post of Work Shop Attendant had not yet come and that the applicant's case for regularization to the post of Work Shop Attendant was considered twice by the departmental committee and that he was not found fit in view of his position in the seniority list. In this O.A. the reliefs sought by him are as follows :

- (i) to direct the regularization of the applicant in the post of Work Shop Attendant with effect from 3.8.87.
- (ii) to pass any other order as may be deemed fit and proper.

3. We note that impugned order at Annexure-10, dated 17.2.05 has been issued in pursuance of our order dated 21.11.03

therefore, the question of quashing the impugned order at Annexure-10 is misconceived. Further, that we have already found him not eligible for regularization to the post of Work Shop Attendant vide our order dated 21.11.03 in O.A. No. 96/2000 the same position having been sought to be agitated in this O.A. ^{is} ~~is~~ effectively barred by the principle of constructive res judicata.

4. Accordingly, this O.A. must fail, and we order accordingly. No costs.



(B.N. SOM)
VICE-CHAIRMAN

KUMAR