

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO.1047 OF 2012

Cuttack the 18th day of January, 2013

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)**

1. Nagendra Kumar Hohapatra,
S/o. L. Mohapatra,
aged about 47 years,
Working in the Pension-7 Section,
Office of Accountant General (A&E)
2. T. Garabadu,
S/o. A. Garabadu,
aged about 43 years,
Working in the Pension Miscellaneous Section,
Office of Accountant General (A&E)
3. B.K. Kar,
S/o. Late J. Kar,
aged about 46 years,
Working in Old Record Section,
Office of Accountant General (A&E)
4. R.N. Panda,
S/o. Late S. Panda
aged about 47 years,
Working in Current Record Cell,
Office of Accountant General (A&E)
5. M. Biswal,
S/o. A. Biswal,
aged about 42 years,
Working in the Pension-7 Section,
Office of Accountant General (A&E)
6. B.K. Ghadei,
S/o. Late K. Ghadei,
aged about 45 years,
Working in Current Record Cell,
Office of Accountant General (A&E)
7. T. Maharana,
S/o. K. Moharana,
aged about 43 years,
Working in Current Record Cell,
Office of Accountant General (A&E)
8. H.K. Mohapatra,
S/o. Late B. Mohapatra,
aged about 49 years,
Working in Current Record Cell,
Office of Accountant General (A&E)
9. R.C. Mallick,
S/o. Late L. Mallick,
aged about 48 years,
Working in Current Record Cell,
Office of Accountant General (A&E)

Val

10. P.K. Jena,
S/o. M.N. Jena,
aged about 46 years,
Working in Current Record Cell,
Office of Accountant General (A&E)

11. S.K. Barik,
S/o. L. Barik,
aged about 40 years,
Working in Current Record Cell,
Office of Accountant General (A&E)

All at O/o A.G. (A&E), Bhubaneswar, Dist-Khurda.

...Applicants

(Advocate(s) for the Applicant Mr. S.N. Mishra-1, Mr. B. Dash)

VERSUS

Union of India

1. Represented through the
Accountant General (A&E)
Odisha, At/Po/Ps:Bhubaneswar,
Dist-Khurda.
2. Deputy Accountant General (Administration),
Odisha, At/Po/Ps:Bhubaneswar,
Dist-Khurda.

... Respondents

(Advocate- Mr. L. Jena,)

ORDER(Oral)

MR.A.K.PATNAIK, MEMBER(J)

The applicants in this Original Application seek this Tribunal to hold that they having continued in employment as Casual Workers under Respondent No.2 as on the date of issue of the OM (Annexure-1) and having rendered continuous service of more than one year, are entitled to conferment of temporary status w.e.f. 01.09.1993 (sic) and accordingly direct the Respondents to reinstate the Applicants in employment with all back wages and confer on them Temporary status w.e.f. 01.09.1993 and pay them all consequential monetary and other benefits within a stipulated time.

2. Having heard Mr. S.N. Mishra-1, Ld. Counsel for the applicant and Mr. L. Jena, Ld. ASC appearing on behalf of the Respondents, perused the records.

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3. We find that the Applicants earlier moved this Tribunal in O.A. No.211 of 2000 virtually praying therein the same/similar reliefs. This Tribunal, after giving in-depth consideration to the issues, vide order dated 03.11.2000 dismissed the O.A. No.211 of 2000 both on merit as well as limitation. This order of the Tribunal was challenged by the Applicants in OJC No.12237 of 2000 which was also dismissed on 08.03.2011. Thereafter the applicants filed RVWPET No.61 of 2011 with prayer to review the order dated 08.03.2011 on the ground that though records were available regarding employment of the petitioners with the opposite parties the same were deliberately withheld from the Court. The said RVWPET No.61 of 2011 was also dismissed on 07.07.2011 by the Hon'ble High Court of Orissa. As it appears, thereafter, the applicants approached before the Hon'ble Apex Court in CC 1159-1160/2012 which was also dismissed as not pressed on 26.03.2012 (N.K. Mohapatra & Ors. Vrs. Union of India and Anr).

4. By placing on record certain information/documents obtained under RTI Act, 2005, with regard to their casual engagements under the Respondents etc. (Annexures A/16, A/17, A/18 & A/19) applicants virtually seek this Tribunal to reopen the entire issues which had already been set at rest for all purposes by the order of the Hon'ble Orissa High Court and the Apex Court which in our considered opinion this Tribunal is not competent to do. Hence the O.A. as well as M.A. No.1182/2012 filed by the Applicants seeking permission to prosecute this O.A. jointly stand dismissed. No costs.


(R.C. MISRA)
MEMBER(A)


(A.K. PATNAIK)
MEMBER(J)