

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A.No. 1243 of 96

Date of order : 18.08.99

Present : Hon'ble Mr. Justice S.N.Mallick, Vice-Chairman
Hon'ble Mr. B. P. Singh, Administrative Member

BIPUL KANTI MUKHERJEE & 8 OTHERS

VS

UNION OF INDIA & ORS (POST)

For the Petitioner : Dr. D.C.Bhattacharjee, counsel

For the respondents : Mr. S.P.Kar, counsel

O R D E R

S.N.Mallick, V.C.:

This matter has been taken up for final disposal to-day as per our order dt. 9.8.99..

2. We have heard Dr. D.C.Bhattacharjee, 1d. counsel appearing for the petitioners and Mr. S.P.Kar, 1d. counsel appearing for the official respondents. Mr. Kar submits that the present application is barred by the principles of res judicata in view of the fact that the present petitioners had moved this Tribunal earlier in O.A. 565 of 1991 for the self-same reliefs against the present same respondents, which was disposed of on contested hearing by an earlier Bench as per order dated 8.9.94.

3. The records of O.A. 565 of 1991 have been produced before us. We have gone through the said judgement dated 8.9.94. It is also on record that an SLP was filed by the present petitioners against the aforesaid final order of the Tribunal before the Hon'ble Supreme Court which was dismissed on 23.1.95 vide Annexure-R1 to the reply.

4. The directions given by the Tribunal in the said OA 565/91 may be quoted below :-

"... Considering the submission, the application is disposed of with the direction that the respondents shall consider the applications, if any, from the applicants for the post of Extra Departmental Mailmen along with the names of other candidates to be sponsored by the Employment Exchange and in case, they are found suitable, they shall be given appointment as per rules. The interim order passed on 3.6.91 stands vacated...."

(2)

5. It is worthwhile to note that the reliefs claimed in the earlier OA are as follows :-

"(i) The applicants be declared entitled to be regularised in the post in which they have been working.

(ii) The respondents be directed to regularise the services of the applicants and not to remove them from service."

6. The reliefs prayed for in the present OA are also quoted below :

"(A) Do issue mandate upon the respondents their men and agents, and each of them directing the to take necessary steps for permanent absorption of the applicants in the administration and thereafter issue necessary absorbing the applicants permanently in the administration forthwith.

(B) Pass such other or further order or orders, direction or directions, mandate or mandates as may appear to be fit and proper."

7. Considering the above facts and circumstances, we have no doubt that the present application is barred by the principles of res judicata. Accordingly, the application stands dismissed. No order as to costs is passed.

Member

MEMBER(A)


VICE CHAIRMAN