

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 11.3.1998.

O.A. No. 162/1997

1. Manohar S/o. Shri Mula Ram, aged 35 years.
2. Ghaneshwar S/o. Shri Ram Karan, aged 42 years.
3. Braham Singh S/o. Jhanda Singh, aged 40 years.
4. Ram Jeevan S/o. Ram Naresh, aged 39 years.
5. Ram Millan S/o Shri Ram Sumer, aged 34 years.
6. Ram Bali S/o Shri Srinath, aged about 40 years.
7. Ram Pyare S/o Shri Ram Anant, aged 38 years.
8. Phaphundi Das, S/o Pepoli Das, aged 44 years.
9. Ram Kripal s/o. Ram Khelavan, aged 34 years.
10. Dunger S/o Ram Dubar, aged 37 years.
11. Lala Ram S/o Munni Lal, aged 37 years.

(All petitioners working under Permanent Way Inspector (Construction) in the office of Deputy Chief Engineer (Construction), Northern Railway, Bikaner, r/o: all petitioners - Permanent Way Inspector (Construction), Bikaner Yard, Railway Station, Bikaner.

... Applicants.

versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Administrative Officer (Construction), Northern Railway, Kashmiri Gate, Delhi.

... Respondents.

Mr. Y.K. Sharma, Counsel for the applicants.

Mr. S.S. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.
Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R
(Per Hon'ble Mr. A.K. Misra)

The applicants in this O.A. have prayed that the respondents be directed to consider the representations Annexures A/3 to A/3-J and pass speaking orders as per rules.

2. Notice of this O.A. was given to the respondents, who were

(CJ)

seeking time to file reply. Even today, the respondents are praying for time to file their reply. On going through the facts of the O.A., we find that in the past, the application (O.A. No. 212/1992) of the applicants was disposed of on 3.3.1993 with a direction that the applicants should make representations to the respondent-authorities within a period of two months and the respondent-authorities should dispose of the representations within a period of three months thereafter. Subsequent to this, the applicant had filed a contempt petition No. 30/94 against the respondents with the allegation that the respondents had passed orders in respect of only three applicants and are sitting over the matters relating to other applicants in that O.A. The contempt petition was heard and dismissed by the Tribunal vide its order dated 5.9.1994 in which it was ordered that in the opinion of the Tribunal, sufficient compliance of the order has been made by the respondents. It was further ordered that if the applicants are in any way aggrieved by order passed by the respondents, they may file a fresh O.A. challenging the same before the Tribunal. It was also observed in the order that the copies of the order on the representations in respect of other applicants of O.A. may be supplied to the learned counsel for the applicants within a period of four weeks from the date of that order.

3. Learned counsel for the applicant submits that the respondent-authorities have not communicated the decision taken on the representations as per directions given in the aforesaid C.P. nor have disposed of the representations made by the applicants and, therefore, the applicants were forced to file the present application. But in our opinion, the present O.A. is not maintainable in view of the fact that earlier it was observed by the Tribunal that sufficient compliance of the order has been made. If the representations of the present applicants were decided at that stage then how this observation could find place in the order dated 5.9.1994. At that stage, the applicants should have raised their grievances in respect of non-disposal of their representations by another C.P. Having abandoned this right on their part, the applicants could not come round and say that their representations are still pending with the respondents for which further directions to the respondents are necessary to be passed. In our view, this amounts to abuse of the process of the Court as the applicants are repeatedly agitating the same cause and grievances which they had raised in the earlier O.A. The present application is, therefore, not maintainable and deserves to be dismissed.

4. The O.A. is dismissed accordingly at the stage of admission. No order as to costs.

Gopal Singh
(GOPAL SINGH)
Adm. Member

A.K. Misra
(A.K. MISRA)
Judl. Member

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Part II and III destroyed
in my presence on 7-4-2004
under the supervision of
Section Officer () as per
order dated 22/12/2003

g/1/1
Section officer (Record)