

Date of order : 19.02.1998.

O.A. Nos. 325, 330, 331, 332 and 333 of 1997.

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1. Mahesh Singh S/o Shri Shiv Lal Bargujar, R/o Street No. 3, Behind Government Press, Hanuman Hatha, Bikaner.

(Applicant in OA No. 325/97)

2. Ram Lal S/o Shri Dhura Ram Nayak, R/o Hanuman Nattha Near Sita Ram Ji Ka Temple, Nayankon-ka-Mohalla, Bikaner.

(Applicant in OA No. 330/97)

3. Surja Ram S/o Shri Shera Ram Nayak, Ex Mazdoor, R/o Hanuman Hatha, Near Sita Ram Mandir, Bikaner.

(Applicant in OA No. 331/97)

4. Shiv Ratan S/o Shri Chandra Ram Bhati R/o Near Kesar Desar Well, Behind Junagam, Bikaner.

(Applicant in OA No. 332/97)

5. Kaju Ram S/o Shri Roopa Ram, R/o Near Sita Ram Ji Ka Temple, Hanuman Hatha, Bikaner.

(Applicant in OA No. 333/97)

VERSUS

1. Union of India through the Secretary, Ministry of Defence, Government of India, Raksha Bhawan, Rafi Marg, New Delhi.
2. Commander Works Engineer (Project), Military Engineering Service (MES), Bikaner.
3. Garrison Engineer, Military Engineering Service (MES), Bikaner.
4. Assistant Garrison Engineer (Electrical and Mechanical), Military Engineering Service (MES), Bikaner.
5. Assistant Garrison Engineer (Building and Road), Military Engineering Service (MES), Bikaner.

(Respondents in all the O.As.)

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Mr. Bharat Singh, Counsel for the applicants.

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CORAM

HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER HONOURABLE MR. A.K.MISRA :

Since all these O.As involve common question of law and facts, they are being disposed of by this common order.

2. Heard the learned counsel for the applicants. It is alleged by the applicants that the respondents are filling the posts of Labourers whereas as per the earlier order passed by this Tribunal in O.A. No. 184/90 on 2.9.1993, they were supposed to re-engage the applicants on the posts of Mazdoor as per their seniority but the applicants have not been informed in respect of their re-engagement on the posts of Labourers. The Notice Annex. A/1 dated 17.5.1997 goes to show that the respondents are filling the posts but this Notice relates to the post of Sweeper. Therefore, it cannot be said on the basis of this Notice (Annex.A/1) that respondents are filling the posts of Mazdoor. In the circumstances, we are of the opinion that no case for issue of Notice to the Respondents is made out. All the Original Applications are, therefore, dismissed at the stage of admission.

3. In case if the applicants subsequently discover that their claim is ignored and Mazdoors are appointed, then they will be at liberty to file a fresh Original Application if they are so advised.

Gopal Singh
(GOPAL SINGH)
Administrative Member

A.K.MISRA
(A.K.MISRA)
Judicial Member

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