

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 27.11.2000

O.A. No. 11/99

Kurda Ram son of Shri Chandgi Ram aged about 41 years, working as Typist in the Office of the Assistant Engineer, Northern Railway, Sadulpur Jn., C/o. Shri Desh Raj, Peon, Sleeper Huts, Near Office of Permanent Way Inspector, Sadulpur - 331 023.

... Applicant.

versus

1. Union of India through the General Manager, Northern Railway, H.Q. Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.
3. Divisional Superintending Engineer (C), Northern Railway, Bikaner Division, Bikaner.
4. Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
5. Assistant Engineer, Northern Railway, Bikaner Division, Sadulpur.

... Respondents.

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

Mr. Manoj Bhandari, Counsel for the respondents.

CORAM:

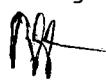
Hon'ble Mr. Justice B.S. Raikote, Vice Chairman
Hon'ble Mr. Gopal Singh, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

This application is filed for quashing of the impugned orders at Annexures A/1 and A/2 with all consequential benefits.

2. From the earlier O.A. filed before this Tribunal in OA No. 441/94 and vide its order dated 16.11.98, we find that the applicant sought promotion and regularisation as Typist. He was appointed on casual basis as Gangman/Khallas, and in OA No. 441/94, he prayed for regularisation as Typist on the ground that his services were utilised by the respondents as Typist. After hearing that case, this Tribunal has passed

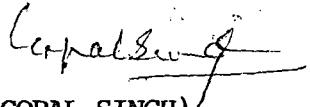


the order as under:-

"In the circumstances, we dispose of this O.A. with a direction to the respondent No. 3 to consider the applicant's case for promotion as a Typist as per his turn in accordance with the rules subject to availability of the vacancy."

3. From the order, we find that the applicant has already approached this Tribunal for the reliefs, as claimed in the present O.A., and ultimately, the respondents were directed to consider the case of the applicant for promotion as Typist as per his turn, subject to availability of the vacancy. The impugned orders vide Annexures A/1 and A/2, have simply stated this position only. It is not in dispute that the applicant is not qualified for the post of Typist by passing the required test also. Having regard to these circumstances, we find that the present O.A. is totally misconceived. Moreover, the O.A. is barred by the principle of res judicata. We accordingly, pass the order as under:-

"The O.A. is dismissed. But in the circumstances, without costs.


(GOPAL SINGH)

Adm. Member


(JUSTICE B.S. RAIKOTE)
Vice Chairman

cvr.

Pls
Cut
Both

Part II and III destroyed
in my presence on 29.1.07
under the supervision of
Section Officer (R) as per
order dated 10.11.06

Section Officer (Record)

Recd copy
J. M. S.
1/12/06