

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH AT CALCUTTA

O.A.No.,1211/97

Monday this the 10th day of January,2005

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G.R. PATWARDHAN, ADMINISTRATIVE MEMBER

Ajit Kumar Mondal resident of
Vill.Rangasella, PO.Tarra
Via.Mihijam.Applicant

(By Advocate Mr. B.Chatterjee)(not present)

V.

Union of India through G.M. CLW
Chittaranjan. ...Respondent

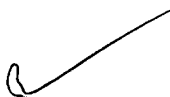
(By Advocate Mr.U.Bhattacharjee)

The application having been heard on 10.1.2005, the
Tribunal on the same day delivered the following:

O R D E R

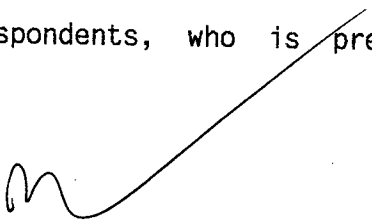
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who claims to have rendered casual service for a few days in the early 1970s has filed this application for a direction to respondents to reengage the applicant as had been done in the case of Mr.Deepak Kumar Mitra vide Annexure.A.6 order holding that the decision not to grant him the similar dispensation is motivated and unsustainable. It is alleged in the application that his claim for reengagement on par with Shri Deepak Kumar Mitra was based on his casual service rendered and the rejection is baseless.



2. The respondents in their reply statement contend that the application is barred by limitation as also on the ground of res judicata. They contend that the applicant had earlier filed OA 756/90 which was disposed of with a direction to the respondents to scrutinise the records pertaining to him and to give him an appropriate reply regarding reengagement, that this direction was complied with, a committee consisting of three officers scrutinised the claim of the applicant but found that the claim was not genuine and the applicant was by order dated 7.6.91 (Annexure.R.III) informed that he had no claim for reengagement. Since the direction contained in the order of the Tribunal in OA 756/90 had been complied with the present application is barred by principles of res judicata contend the respondents. It is further contended that the application filed six years after Annexure.R.III order was served on the applicant is hopelessly barred by limitation.

3. When the application came up for hearing none appeared for the applicant and no representation was made on behalf of the counsel of the applicant. Since the OA is a long pending one we find no justification in keeping it pending any longer. Therefore we decided to dispose of this application on merits perusing the entire materials brought on record and hearing the learned counsel for the respondents, who is present



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today. Scanning through the entire materials placed on record, we do not find that the applicant has placed any material which would establish that he has a cause on merits, that this application is entertainable and that any relief can now be granted. As the applicant does not have a subsisting grievance to be redressed. The applicant's claim was considered in terms of the direction contained in the order of the Tribunal in OA 756/90 and was rejected by Annexure.R.III order dated 7.6.1991. He did not challenge that order within a year and therefore the cause of action became barred when the OA was filed. The applicant cannot compare himself with Shri Deepak Kumar Mitra because the service card issued in the case of Deepak Kumar Mitra was different, signed by different official and related to different period as has been stated in Annexures.RII and RIII.

4. In the light of what is stated above, on the ground of limitation as also on merit, we do not find that the applicant is entitled to any relief now. The application, is therefore, dismissed without any order as to costs.

Dated the 10th day of January, 2005


G.R. PATWARDHAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

s.