

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1453 of 97

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

P. PRAKASH RAO

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.Chakraborty, counsel

For the respondents: Ms. B.Ray, counsel

Heard on : 11.2.98

Order on : 11.2.98

O R D E R

S.N.Mallick, VC

At the time of hearing the application for admission hearing a preliminary objection has been taken on behalf of the respondents regarding the maintainability of this application on the point of limitation as well as in view of the fact that the petitioner ~~had got~~ got a declaratory decree in OA 111 of 94 in the Second Court of Munsiff at Midnapore by judgment dated 20.9.95 whereby it was declared ex-parte that the petitioner had right of and entitlement to get an appropriate appointment ~~at~~ <sup>as</sup> the office of the ~~present~~ <sup>or</sup> defenders i.e. the respondents if he ~~is~~ <sup>was</sup> found to have worked for over 120 days as a casual worker, and the respondents were restrained from refusing the petitioner from giving such appointment. That ~~the~~ decree of the Civil Court has not been set aside by any superior Court and this Tribunal has no jurisdiction to sit on an appeal on the aforesaid judgment. But the fact is that the petitioner has approached the Tribunal for the self-same relief although he has got the decree from the Civil Court. Under the circumstances we find no