

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 229/94

Date of Decision:

24-6-1999

Hachindra Laxman Harale

Applicant.

Sh.B.Ranganathan

Advocate for
Applicant.

Versus

U.O.I. & ors.

Respondent(s)

Sh. R.K.Shatty

Advocate for
Respondent(s)

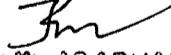
CORAM:

Hon'ble Shri. JUSTICE K.M.AGARWAL, CHAIRMAN

Hon'ble Shri. R.K.AHOOJA, MEMBER(A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?


(K.M.AGARWAL)
CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
MOMBAI BENCH
MUMBAI

O.A. No.229/94

THIS THE 24TH DAY OF JUNE 1999.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR.R.K.AHOOJA, MEMBER(A)

Machindra Laxman Harale
presently residing at Harale Mala
Nagar Deola, Ahmednagar-414 001
C/o Rekha Dasare, Advocate
6586 Laxmi Karanja,
Ahmednagar-414 001 A pplicant

(BY ADVOCATE SHRI B.RANGANATHAN)

Vs.

1. The Union of India,
through the Secretary,
Ministry of Defence,
South Block, New Delhi.
2. The Chief Engineer
'Southern' Command, Pune
3. The Chief Engineer,
C.E.Z.P., Pune
4. The Commander Works Engineer
(In Side Fort), Ahmednagar.
5. The Garrison Engineer
Office of the Garrison Engineer
(In Side Fort),
Ahmednagar. ... Respondents

(BY ADVOCATE SHRI R.K.SHETTY)

ORDER(ORAL)

JUSTICE K.M.AGARWAL:

In this O.A., the applicant seeks a direction to the respondents to issue him an appointment order against the post of Mazdoor.

2. It appears that in or about 1987, the applicant was interviewed for the post of Mazdoor, but was not given any appointment letter. He, therefore, filed O.A. No.900/88 along with several other similarly situated persons, which was dismissed by Aurangabad Bench of the Tribunal by its

Jm

order dated 7.11.1990. That O.A. was dismissed in so far as the applicant was concerned on the ground that he was not selected. Thereafter, the applicant has filed this O.A. by alleging that his earlier O.A. was wrongly dismissed because due to a typing mistake in the list of selected candidates, the name of the applicant was not shown and, therefore, he wants the respondents to be commanded to give him appointment letter in the changed circumstances by filing this O.A. The O.A. is resisted.

3. After hearing the learned counsel for the parties and perusing the record, we find that in paragraph 7 of the OA it is specifically stated as follows:-

"The applicant states that the applicant had preferred Original Application No.900/88 before this Hon'ble Tribunal and the same came to be rejected by this Hon'ble Tribunal only on the ground that the name of the applicant did not appear in the list of candidates selected for the said post of Mazdoor. The applicant states that the applicant had no access to the records of the Respondents and the Respondents did not point out the said mistake namely that the applicant's name had been incorrectly typed in the list of selected candidates, and under the said belief this Hon'ble Tribunal was pleased to reject the said Original Application filed by the applicant."

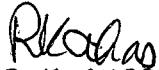
We are of the view that on the basis of the aforesaid facts the proper remedy for the applicant was to file a review application in spite of filing a fresh O.A.

Jm for the same reliefs which were claimed in the earlier

O.A. According to us, this second O.A. for the same reliefs on whatever grounds is not maintainable.

4. Accordingly this O.A. is hereby dismissed with liberty to the applicant to file review application, if so advised. No costs.


(K.M.AGARWAL)
CHAIRMAN


(R.K.AHOOJA)
MEMBER(A)

