

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 23.07.2015

OA No. 291/00417/2015

Mr. Amit Mathur, counsel for applicant.

The Original Application is filed seeking a direction directing the respondents to allow the benefits to the applicant of the post of Assistant Director Entomology w.e.f. 30.03.2012 and for a further direction to treat the applicant as Assistant Director Entomology w.e.f. 30.03.2012 for all purpose with all consequential benefits.

2. The applicant earlier filed O.A. No. 152/2013 before Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad seeking for the following reliefs.

"A). Be pleased to admit and allow this application.

B) Be pleased to direct the respondent No. 2 to allow the applicant to join on the post of Assistant Director (Entomology) pursuant to his selection and appointment vide Office Memo dated 30/03/2012.

C) Be pleased to quash and set aside the re-issued advertisement by the Respondents dated 18th April 2013 and further be pleased to nullify any appointments made under the said advertisements, if any.

D) Be pleased to grant such other and further relief/s that may be deemed fit and proper in the facts and circumstances of the case."

3. While the said O.A. was pending consideration before the Ahmedabad Bench of the Tribunal, the applicant was engaged on the post of Assistant Director (Entomology) on contract basis for a period one year or till the appointment of regular Entomology joins, whichever is earlier. In the said context, vide order dated 26th June, 2013 (Annexure A/2), the Tribunal observed that the reliefs claimed in the OA stands fulfilled. Finding that the

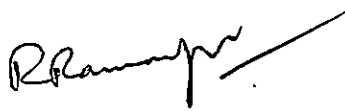
representation of the applicant was pending consideration before the department, the Tribunal directed the respondents to take a decision on the applicant's request for appointment w.e.f. 30.03.2012 in consonance with the rules and instructions on the subject and take a decision on the same under intimation to the applicant within a period of 60 days from the date of receipt of a copy of that order.

4. The order was passed by the Ahmedabad Bench of the Tribunal in the said OA on 26.06.2013. The present O.A. has been filed by the applicant before this Bench of the Tribunal complaining that the respondents have failed to take any decision on the applicant's request for appointment w.e.f. 30.03.2012 as directed by the Ahmedabad Bench in its order dated 26.06.2013.

5. We have heard the learned counsel for the applicant at length, examined and perused the materials on record. On a reading of Annexure A/2 order of the Tribunal dated 26.06.2013, we find that the prayer sought for in the said OA No. 152/2013 and in the present O.A. filed after a period of two year are the same. That means, the applicant is seeking very same reliefs as sought for in the earlier OA of the year 2013. This is not possible since the relief claimed in the earlier O.A. has been declined for the reasons stated in the final order. The applicant is not entitled to seek very same reliefs, which was declined by the Tribunal two years back on the facts and circumstances of the case. Seeking very same relief before the same or another Tribunal cannot be entertained at any rate.

6. However, we find that the order directing the respondents to take a decision on the request of the applicant was passed by the Tribunal on 26.06.2013. Sixty days time was granted to the respondents for taking a decision from the date of receipt of the applicant. The applicant did not try to ventilate his grievance at the appropriate time. He slept over the matter for the last two years without any initiation or action on his side. Now after a

period of two years, he has filed this O.A. seeking the reliefs other than the relief granted by the Ahmedabad Bench. For this reason as well, we find that this O.A. filed by the applicant is without any merit and liable to be dismissed. We do not find any reason to entertain this O.A. The Original Application is devoid of any merit and accordingly it is dismissed. No order as to costs.



(R. RAMANUJAM)
ADMINISTRATIVE MEMBER



(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER

Kumawat