

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A. No. 473/96

Date of order: 5/11/99

1. Bhagwan Sahai Raigar, S/o Shri Hardev Raiger, R/o New Market, Bhandares, Distt. Dausa, last employed as Casual Labour in the Passport Office, Jaipur.
2. Suraj Mal Raigar, S/o Shri Sedu Ram Raigar, R/o Station Road, Raigar Mohalla, Bassi, Jaipur, last employed as Casual Labour in the Passport Office, Jaipur.
3. Phool Chand Verma, S/o Shri Mali Ram, last employed as Casual worker in the Passport Office, Jaipur.

...Applicants.

vs.

1. Union of India through the Secretary to the Govt of India, Ministry of External Affairs, New Delhi.
2. The Passport Officer (Passport Office), University Marg, Tonk Road, Jaipur.
3. Mrs. Manju Verma, Casual Labour, Passport Office, Jaipur.
4. Shri Shambhu Kumar Sharma, S/o Shri Mahaveer Prasad Sharma, Casual Labour, Passport Office, Jaipur.
5. Shri Gopal Singh Gujar, S/o Shri Murari Lal Gujar, Casual Worker, Passport Office, Jaipur.
6. Shri Dangar Singh, S/o Shri Ganga Ram Dangar, Casual Worker, Passport Office, Jaipur.
7. Shri Anil Kumar, S/o Shri Banwari, Casual Worker, Passport Office, Jaipur.

...Respondents.

Mr. Shiv Kumar - Counsel for applicant

Mr. V. S. Gurjar - Counsel for respondents.

CORAM:

Hon'ble Mr. S. K. Agarwal, Judicial Member
PER HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec. 19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer :

- (i) the impugned order dated 15.11.95 (Annxs. A1, A2 and A3) disengaging the applicants may be declared as illegal, arbitrary and may be set aside;
- (ii) the respondents be directed to extend the benefits of granting the temporary status and regularisation to the applicants as per Office memorandum dated 10.9.93 and
- (iii) to quash the appointment of respondents Nos. 3 to 7.

2. Preliminary objection was filed by the respondents in this O.A. In the preliminary objection, it is stated that

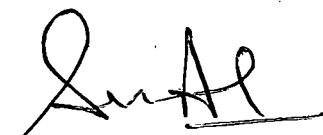
the applicants had preferred O.A No.550/95 alongwith M.A No.546/95 (Bhagwan Sahai & Ors Vs. Union of India & Ors) and the applicants withdrew that O.A alongwith the M.A on 23.1.96. Therefore, this Tribunal has disposed of the O.A No.550/95 alongwith M.A No.546/95 by order dated 23.1.96, therefore, this O.A is not maintainable before this Tribunal.

3. No reply to this preliminary objection was filed by the applicants.

4. I heard the learned counsel for the parties and also perused the whole record.

5. In this Original Application, the applicants have repeated the same pleas which they have raised in the earlier O.A. No.550/95 filed by them and that the O.A was withdrawn by the applicants suo moto. It appears that no permission was given to the applicants to with the liberty to file fresh application on the same cause of action. Therefore, on the basis of principles of res-judicata this O.A is not maintainable as it has been held by C.A.T Allahabad Bench in Captain S.C.Gulati Vs. Union of India & Ors. reported in 1998(1) ATJ 242 (Allahabad CAT).

6. In view of the discussions as above, I dismiss this O.A with no order as to costs.



(S.K. Agarwal)
Member (J).