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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Original Application No. 691 of 2005

Jabalpur, this the 22nd day of September, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

1. Bhagat Singh, Son of Shri Sudarshan Singh, aged about 36 years,
2. Ajay Kumar Shriwas, Son of Shri Binda Deep Shriwas, aged about 35 years,
3. Narayan Prasad, Son of Shri Madhav Prasad, aged about 34 years,

All have worked as Casual Labourers at
Military Dairy Farm, Jabalpur (MP). **Applicants**

(By Advocate – Shri D.R. Sahu on behalf of Shri Prashant Singh)

V e r s u s

1. The Union of India, through Secretary, Ministry of Defence, New Delhi.
2. The Deputy Director General, Military Farms, Headquarters, Block-III, R.K. Puram, New Delhi.
3. The Director, Military Farms, Central Command, Lucknow (UP).
4. The Officer-in-charge, Military Dairy Farm, Jabalpur (MP). **Respondents**

(By Advocate – Shri S.A. Dharmadhikari)

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ORDER (Oral)

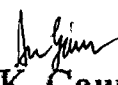
By A.K. Gaur, Judicial Member –

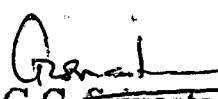
Heard the learned counsel for the applicants and the learned counsel for the respondents.

2. In view of the decision rendered in 1997 SCC (L&S) 135 - Commissioner of Income Tax, Bombay Vs. T.P. Kumaran, the aforesaid Original Application is barred by Order 2 of Rule 2 of CPC and constructive res-judicata. The learned counsel for the respondents has also placed reliance on 2006 (3) SLR 1 - Secretary, State of Karnataka & others Vs. Uma Devi and others. The learned counsel for the parties has also submitted that the present case is squarely covered by the order and judgment passed by this Tribunal in Original Application No. 412 of 2005 on 30th August, 2006. The relevant paragraph is quoted hereunder:

“7. In our considered view, the present case is squarely covered by Supreme Court decision reported in 1997 SCC L&S 135 – Commissioner of Income Tax, Bombay Vs. T.P. Kumaran and it is barred by Order 2 of Rule 2 of CPC and constructive res-judicata. Learned counsel for the respondents has also placed reliance on 2006 Vol. 3 SLR 1 – Secretary State of Karnataka & others Vs. Uma Devi & others and argued that any public employment has to be in terms of the constitutional scheme and the applicants have been engaged in the teeth of the directions issued by the Government, from time to time banning fresh recruitment. In view of the above decision also, the applicants have no case and the OA is liable to be dismissed. Accordingly, the OA is dismissed. No costs.”

3. In view of the aforesaid discussion, we are of the considered view that the decision so rendered in the aforesaid Original Application shall mutatis mutandis apply to the present case as well. Therefore, this Original Application is also dismissed as having no merits. No order as to costs.


(A.K. Gaur)
Judicial Member
“SA”


(Dr. G.C. Srivastava)
Vice Chairman

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पृष्ठकन सं ओ/व्या.....जबलपुर, दि.....

पतिलिपि अर्चयित:-

- (1) सचिव, जका न्यायालय वार एरोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल
- (4) न्यायालय, के.प.अ., जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु
उप रजिस्ट्रार

Prashant Singh
B.L. 231
S.A. Dharmadhikari
B.L. 231

23.9.06