

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 70 of 2004

Jabalpur, this the 24th day of March, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

1. Arvind, S/o. Shri Ram Prasad Yadav, aged about 26 years, Working as Casual Labourer at Military Farm, Jabalpur (MP), R/o. Military Farm Quarters, Jabalpur (MP).
2. Dayaram, S/o. Shri Rameshwar Prasad Yadav, Aged about 30 years, Working as Casual Labourer at Military Farm, Jabalpur (MP), R/o. Dhobighat Bagicha Water Works Road, Jabalpur (MP). ... Applicants

(By Advocate - None)

V e r s u s

1. Union of India, through Secretary, Ministry of Defence, New Delhi.
2. Deputy Director General Military Farm, Army Headquarters, Block 3, R.K. Puram, New Delhi.
3. The Director, Military Farm, Army Headquarters, Lucknow (UP).
4. The Officer, Military Farm, Jabalpur (MP). ... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

The applicants two in number have filed this Original Application claiming the following main reliefs :

"(i) to direct the respondents to regularise the services of applicants w.e.f. their initial date of appointment in the capacity of Casual Labourer and to pay them all pecuniary benefits arising therefrom.

(ii) to direct the respondents to accord proper placement to the applicants in the seniority list.

(iii) to direct the respondents to follow the directions and guidelines given by the Hon'ble High Court in WP No. 6085/2000 (Shiv Kumar & Others Vs. UOI & Others) dtd. 22/1/2003 (Annex. A-2) as also in OA No. 616/98 (Nand Kishore & others Vs. UOI & others)

dtd. 17.12.2003 (Annexure A-1)."

2. The brief facts of the case are that the applicants Nos. 1 and 2 have been inducted as daily wagers in the year 1993 and 1994 respectively. Thereafter they have been disengaged.

3. Heard the learned counsel for the respondents. Since none is present for the applicant we proceed to dispose of this matter by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987.

4. The respondents have filed their reply. Alongwith the reply they have annexed the copy of the judgment of this Tribunal dated 5th August, 2003 in OA No. 352/1998 & MA No. 745/1998. The learned counsel for the respondents has pointed out that this OA is not maintainable because ^{is barred by the} it/principles of res-judicata. He has submitted that both the persons who are applicants in this OA have earlier filed the aforesaid OA claiming the same relief which had already been adjudicated by this Tribunal and the Tribunal rejected the relief and dismissed the said OA.

5. We have gone through the judgment dated 5th August, 2003 and we find that both these applicants have approached this Tribunal in OA No. 352/1998 claiming the same relief which have been adjudicated upon and already been rejected by the Tribunal. As per the law the applicants cannot claim the same relief in a separate Original Application.

6. Accordingly, the Original Application is dismissed as barred by the principles of res-judicata. No costs.

(Madan Mohan)
Judicial Member

"SA"

(M.P. Singh)
Vice Chairman