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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

16-5-2007

Mr. C. B. Sharma counsel for applicant
 Mr. Hava Singh counsel for respn.

Heard. The matter
 been dismissed by a separate
 order.

Minu
 (S. P. Sharma)

Administrative member

H. S. Singh
 (H. S. Singh)

Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 99/2006.

Jaipur, this the 16th day of May, 2007.

CORAM : Hon'ble Mr. Kuldip Singh, Vice Chairman.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Gaddu Ram
S/o Shri Mangu Ram
Aged about 37 years,
R/o Village & Post Bhgot Dhani,
Anta Laki, Tehsil Neem Ka Thana,
District Sikar.

By Advocate : C. B. Sharma.

... Applicant.

Vs.

1. Union of India through
General manager,
North Western Zone,
North Western Railway,
Jaipur 302 006.
2. Divisional Railway Manager,
North Western Railway,
Jaipur Division,
Jaipur.
3. Senior Divisional Personnel Officer,
North Western Railway,
Jaipur Division,
Jaipur.

... Respondents.

By Advocate : Hawa Singh.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for
the following reliefs :-

"(i) That the entire record relating to the case be
called for and after perusing the same respondents
may be directed to engage the applicant on work and
further regularized the services of the applicant on
suitable post from the date juniors so regularised

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or from prospective date with all consequential benefits.

(ii) That the respondents be further directed not to fill up the vacant posts through open market without reengaging and regularization of services of the applicant.

(iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the costs of this application may be awarded."

2. The facts as alleged by the applicant are that initially he was appointed as Casual Labour on 12.4.1985 and he stated to work ^{have} up to 11.4.1996 at Station Bhagega near Kamath (Neem Ka Thana) and after May 1996 he was not allowed to work inspite of the fact that he completed 120 days and deemed to be temporary status holder. It is further stated that the Station Master issued a statement showing number of working days of the applicant as desired and had also issued a service card in favour of the applicant. But the same is not annexed with the OA. The applicant is also stated to approach the CAT, Principal Bench, for regularisation of his service. The OA is stated to have been allowed with a direction to the applicant to submit a representation to the respondents within one month from the date of receipt of a copy of this order. The applicant is stated to have made a representation. But the same was turned down on the ground that he had not made representation within the time period allowed by the Tribunal and since the applicant has not been re-engaged nor his services have

been regularised. So he has filed this OA thereby stating that subsequently certain vacancies were filled up as the work is available with the department and the applicant should be re-engaged and regularised in service.

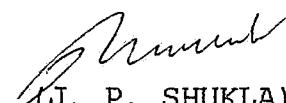
4. The respondents are contesting the OA and pleaded that the applicant had earlier filed OA for the same reliefs which was decided by the Principal Bench. So now the applicant cannot reagitate the same issue. Besides that it is stated that he OA also barred by the principle of delay and laches and also because of being time barred as per Section 21 of the Administrative Tribunal Act, 1985.

5. We have heard the Learned counsel for the parties and gone through the material placed on record.

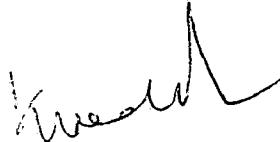
6. At the outset, we may mention that it is an admitted case of the applicant that he had earlier filed an OA which was allowed with a direction to him to make a comprehensive representation before the authorities within a specified period. So the applicant now cannot reagitate the issue as is barred by the principles of res judicata. Merely certain casual labourers have been reengaged or regularised subsequently, that does not give any right or cause of action to the applicant to agitate the issue afresh. Moreover, the applicant himself says

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that after his case was allowed by the Principal Bench he had made a representation in the year 1997 itself and his representation was rejected on 17.07.1997, then what is the reason why he is silent from the date of rejection of his application till the date of filing of the present OA, that is not explained. There is a lot of delay and laches on the part of the applicant and since the applicant has not challenged the order rejecting his representation so the OA is not maintainable and the same is dismissed being not maintainable. No order as to costs.



A.J. P. SHUKLA
ADMINISTRATIVE MEMBER



(KULDIP SINGH)
VICE CHAIRMAN

P.C./