

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

1.8.2011

OA 311/2011

Mr.Arpit Srivastava, counsel for applicants.

Heard learned counsel for the applicants. The OA stands disposed of at admission stage, by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

J.C.S. Rathore

(Justice K.S.Rathore)
Member (J)

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30/08/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 1st day of August, 2011

OA No. 311/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

1. Shri Sumer Singh son of Shri Bishan Singh, aged 33 years, resident of Gali No.1, Poonam Colony, Kota Junction, Kota.
2. Shri Lalit Kumar Singh son of Shri Om Prakash Singh, resident of Gali No. 4, Chopra Farm, Hatwara, Kota Junction, Kota.
3. Shri Sanjay Kumar Jha son of Shri Laxman Jha, resident of 84/A, Railway Workshop Colony, Kota Junction, Kota.
4. Shri Devendra Singh son of Shri Jageshwar Singh, resident of House No.35, Gali No.5, Shastri Colony, Kota Junction, Kota.
5. Shri Bhagwan Singh son of Shri Devi Ram , resident of 463/A, New Railway Colony, Kota Junction, Kota.
6. Shri Dinesh Bhai son of Shri Brahma Bhai, resident of New Railway Colony, Kota Junction, Kota.
7. Shri Brijesh Kumar Sisodia son of Shri Ganeshi Lal, resident of Gali No. 2, J.P. Colony, Kota Junction, Kota.
8. Shri Akram Khan son of Shri Mohammed Mustkim, resident of House No. 446, Gali No. 1, J.P. Colony, Rangpur Road, Kota Junction, Kota.
9. Shri Abdul Raoof son of Shri Abdul Gafoor, resident of Masjid Gali, Station Road, Kota Junction, Kota.

10. Shri Rajesh Shedwal son of Shri J.P. Shedwal, resident of House No. 4-GA-8, Vigyan Nagar, Kota.
11. Shri Mazid Ali son of Shri Mohammed Salim resident of Gali No. 1, Pratap colony, Kota Junction, Kota.
12. Shri Tilak Raj son of Shri Naresh Chand, resident of Gali No. 4, Poonam Colony, Kota Junction, Kota.

(All presently working as P.P.; posted at Station Manager Officer, Kota)

... Applicants

(By Advocate : Shri Arpit Srivastava)

Versus

1. Union of India through its Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. Joint Director (Establishment) (N),
Railway Board,
Government of India,
Ministry of Railways,
New Delhi.
3. General Manger,
General Manager's Office
Opposite Indira Market,
West-Central Railway,
Jabalpur.
4. Senior Divisional Manager
(Establishment),
Railway,
Kota.

... Respondents

(By Advocate : - - - -)

ORDER (ORAL)

This OA is directed against the impugned order dated 28.6.2011 (Ann.A/1) which is nothing but a circular inviting applications for selection to the post of Ticket Collector. In para -7 of the OA, the applicants have declared that they have not previously filed any application, writ petition or suit regarding the matter in respect of which the present application is made before this Tribunal, which is a false statement at its face value and the material fact has been concealed by the applicants. Not only this, but by way of filing this OA the applicants have also tried to mislead this Tribunal.

2. It is evident that all the applicants have preferred OA No.260/2011 which has been decided by this Tribunal on 7th July, 2011 whereby this Tribunal directed the respondents to consider the notice for demand of justice of the applicants and pass appropriate order on the same prior to 11.7.2011, which was the last date of filing application for the aforesaid post. Pursuant to the direction issued by this Tribunal, it appears that vide Ann.A/2 dated 6.7.2011 the respondents have decided the notice for demand of justice given by the advocate of the applicants, but this order has not been challenged in this OA and the applicants have only asked for the same relief which has been claimed in OA No.260/2011,



although liberty was given to the applicants to file fresh OA on the decision to be taken by the respondents on their representation. Of Course, decision has been taken vide order dated 6.7.2011 but the same has not been challenged.

3. Thus, the OA claiming the same relief is barred by the principles of res-judicata and also not maintainable on merit as the applicants are guilty of suppressing the material fact from this Tribunal.

4. In view of above observations, the OA stands dismissed not only on the ground of concealment of material fact but also on merit at admission stage.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K.S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/