

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A. No. 238/2016 in
O.A. No. 2829/2014

New Delhi, this the 10th day of August, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Raja Ram Sharma
S/o Late Sh. Parmeshwar
R/o A/24, Gali No.1
Sindhu Farm Road
Meethapur Extension
Badarpur, New Delhi – 44.

.. Review Applicant

(By Advocate: Mrs. Rashmi Chopra)

Versus

1. Union of India through
The Secretary
Ministry of Home Affairs
North Block,
New Delhi – 110 001.
2. The Director
Central Bureau of Investigation
Headquarter, CGO Complex
5B, Lodi Road
New Delhi – 110 003.
3. Raj Kumar
R/o Village Pillanji
H.No.20, 28 Kotla Mubarakpur
New Delhi – 110 003.
4. Anand Kumar
R/o CA/14A, Janta Flats
Hari Nagar
New Delhi – 110 064.
5. Noor Ali Khan
R/o 288, Chandan Hullu
Opp. Primary School PO.

Fateh Pur Beri,
New Delhi – 110 030.

6. Asha Ram
R/o Village Eusaliya,
Post Shankar Pati Kholi,
Distt Kasshi Nagar
Uttar Pradesh.
7. Smt. Bhagya Lakshmi
R/o/B-22, Bhagya Vihar,
Mubarakpur Nangloi,
New Delhi.
8. Gopal
R/o E022 P.V.R.Hostel
Lodhi Road
New Delhi – 110 003.
9. Jaiveer
R/o Village Sonpur
Post Dhom, Gautambudh Nagar
Noida (U.P.).
10. Raju
R/o E-1/134, Madangir
New Delhi – 110 062.
11. Jaswant
R/o PO&Vill Kunwarpur
Distt. Bulandshahar (U.P.)
12. Godhan Singh
R/o Village Pillanji
H.No.2028, Kotla Mubarakpur
New Delhi – 110 003.
13. Sh. Sheeshpal
R/o Maulana Azad Medical College
Quarter No.9/80
New Delhi – 110 002.
14. Satvir
R/o House No.E-418
Kidwai Nagar
New Delhi – 110 023.

15. Ajeet Singh
R/o R.K.Puram, Sector – 7
Quarter No.696
New Delhi – 110 024. .. Respondents

(By Advocate: Shri Deepak Bhardwaj)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Mrs. Rashmi Chopra for the applicant and Shri Deepak Bhardwaj, learned counsel on behalf of official respondents.

2. The O.A. No.2829/2014 filed by the applicant was disposed of vide order dated 05.09.2016 and the relevant part of the same is as under:

7. Mrs. Rashmi Chopra, the learned counsel appearing for the applicant while not disputing the aforesaid facts, fairly submits that the applicant is now only seeking for reengagement of his services as Casual Worker, in preference to his juniors and strangers, provided there is work. The learned counsel further submits that there is sufficient work available with the respondents and that they are engaging number of juniors to the applicant. The applicant made specific pleadings to this effect and also made private respondents 3 to 15 as respondents to the OA by claiming that they are juniors to the applicant and are being engaged by the respondents.

8. Shri Deepak Bhardwaj, the learned counsel appearing for the official respondents, while reiterating the aforesaid facts submits that the OA is liable to be dismissed on the sole ground of res-judicata. It is submitted that the applicant filed various OAs, seeking the same relief and that the same were dismissed.

9. The contention of the learned counsel for the respondents is right to the extent of the reliefs of regularization, conferring the temporary status and counting of past service with the consequential benefits, since this Tribunal and various higher forums considered the said claims of the applicant and the same

were rejected. However, the relief with regard to fresh engagement as casual worker in preference to the juniors and strangers, provided there is work, is a fresh and recurring cause of action and can be adjudicated by this Tribunal.

10. The respondents in their counter failed to give any specific answer to the specific contention of the applicant that his juniors are being engaged as casual workers but his representations were rejected for the said benefit.

11. In the circumstances and for the aforesaid reasons, the OA is disposed of by directing the respondent No.2 to engage the applicant as Casual Worker, provided there is work and in preference to his juniors and freshers. All other prayers of the applicant are rejected. No costs.”

3. The learned counsel for the review applicant submits that though there was a direction to the respondents to engage the applicant as Casual Worker, provided there is work and in preference to his juniors and freshers, the respondents engaged juniors to the applicant. The same cannot be a valid ground for invoking the revisional jurisdiction of this Tribunal. Accordingly, the Review Application is dismissed. However, this order shall not preclude the applicant from availing his remedies in accordance with law, if so advised. No orders as to costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

/Jyoti /