

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 2885/2014
M.A. No. 2486/2014
M.A. No. 2362/2016

New Delhi, this the 29th day of September, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)

1. Titu Ram, Casual Labour
S/o Shri Kalia Ram,
Aged about 49 years,
Vill. & Post : Jatoli,
Teh.: Pathodi, Gurgaon.
2. Bachu Lal, Casual Labour
S/o Shri Ram Sumar,
Aged about 47 years,
R/o 279, Raksha Enc.
Mohan Garden, Uttam Nagar,
New Delhi-110059.
3. Narain Day, Casual Labour
S/o Shri Nepal Chand,
Aged about 49 years,
R/o RZ-224, J-Block,
Sagarpur, Delhi-110045.
4. ChirANJI Lal, Casual Labour
S/o Shri Ruraram,
Aged about 52 years,
R/o T-52, Old Nagal,
Delhi Cantt-110010.
5. Uday Bhan, Casual Labour
S/o Shri Hukam Chand,
Aged about 48 years,
Vill: Nasirpur, P.O.-Palam,
New Delhi-110045.

6. Kartar, Casual Labour
S/o Shri Mange Ram,
Aged about 55 years,
R/o WZ-598, Naraina,
New Delhi-110028.
7. Raj Kumar, Casual Labour
S/o Shri Ram Chander,
Aged about 43 years,
R/o T-32, Old Nagal,
Delhi Cantt-110010.
8. Brij Mohan, Casual Labour
S/o Shri Kherati Ram,
Aged about 40 years,
R/o V-85, Old Nagal,
Delhi Cantt-110010.
9. Harender Singh, Casual Labour
S/o Shri Kewal Singh,
Aged about 35 years,
R/o B-61, Gali No.6,
Nasirpur Colony,
New Delhi-110045.
10. Suraj Bhan, Casual Labour
S/o Shri Puran Chand,
Aged about 38 years,
R/o T-87, Old Nagal,
Delhi Cantt-110010.
11. Bir Bahadur, Casual Labour
S/o Shri Roopa Yadav,
Aged about 34 years,
R/o G2/23/17/14,
Sai Enclave, Mohan Garden,
New Delhi-110059.
12. Anand Kumar, Casual Labour
S/o Shri Jai Sharma,

Aged about 37 years,
R/o T-97, Old Nagal,
Delhi Cantt-110010.

13. Laxman, Casual Labour
S/o Shri Rameshwar,
Aged about 37 years,
R/o V-34, Old Nagal,
Delhi Cantt-110010.
14. Lokesh Kumar, Casual Labour
S/o Shri Ghasita Ram,
Aged about 35 years,
R/o RZA-44A, Sitapuri Part-I,
New Delhi-110045.
15. Bir Singh, Casual Labour
S/o Shri Prabhati Lal,
Aged about 40 years,
R/o V-109, Old Nagal,
Delhi Cantt-110010.
16. Suraj, Casual Labour
S/o Shri Chittar,
Aged about 32 years,
R/o V-136, Old Nagal,
Delhi Cantt-110010.
17. Varun Malhotra, Casual Labour
S/o Shri Upkar Rai,
Aged about 35 years,
R/o B-125, Sita Puri-II,
New Delhi -110045.
18. Ansar Mehndi, Casual Labour
S/o Shri Sajid Hussain,
Aged about 27 years,
R/o T-22, Purani Nagal,
Delhi Cantt-110010.

19. Satya Prakash, Casual Labour
S/o Shri Rajeshwar Prasad,
Aged about 39 years,
R/o T-19, Old Nagal,
Delhi Cantt-110010.
20. Kalika Prasad, Casual Labour
S/o Shri Sarju Prasad,
Aged about 44 years,
Vill: Sarai Mohmadpur,
Dist : Ghazipur.
21. Rajesh Kanagia, Casual Labour
S/o Shri Bishan Dass,
Aged about 45 years,
R/o H.No. 61/8, COD,
Delhi Cantt-110010.
22. Rajesh Singh, Casual Labour
S/o Shri Prahalad Singh,
Aged about 27 years,
R/o T-198A, Old Nagal,
Delhi Cantt-110010.
23. Sanjay, Casual Labour
S/o Shri Hari Chand,
Aged about 34 years,
R/o H.No. RZ-672, Gali No.27G,
Kailashpuri, New Delhi.
24. Ravi Dass, Casual Labour
S/o Shri Roshan Lal,
Aged about 42 years,
R/o T-61, Old Nagal,
Delhi Cantt-110010.
25. Sandip, Casual Labour
S/o Shri Kishan Lal,
Aged about 26 years,
R/o T-83, Old Nagal,
Delhi Cantt-110010.

26. Mansih, Casual Labour
S/o Shri Suresh Kumar,
Aged about 25 years,
R/o T-83, Old Nagal,
Delhi Cantt-110010.
27. Amar Singh, Casual Labour
S/o Shri Ratan Lal,
Aged about 48 years,
R/o 1/65, Sadar Bazar,
(Near Jain Mandir),
Delhi Cantt-110010.
28. Brahm Prakash, Casual Labour
S/o Shri Dayaram,
Aged about 53 years,
R/o C-18, East Sagarpur,
Gali No.12, New Delhi-110045.
29. Champit Lal, Casual Labour
S/o Shri Rampatti Sharma,
Aged about .. years,
R/o RL-A4/275, Durga Park,
Dabri Road, New Delhi-45.
30. Naresh Kumar, Casual Labour
S/o Shri Shivnath,
Aged about 53 years,
R/o V-152, Old Nagal,
Delhi Cantt-110010.
31. Satvir Singh, Casual Labour
S/o Shri Banwari Lal,
Aged about 53 years,
Vill: Birad, Teh.: Jaigar,
Distt: Jaigar, Haryana.
32. Rajender Kumar, Casual Labour
S/o Shri Pancham Singh,
Aged about 52 years,

R/o H.No. 612, Vill: Nasirpur,
New Delhi-110045.

33. Shiv Singh, Casual Labour
S/o Shri Kaliram,
Aged about 44 years,
R/o RZ-686/17A, Sadh Nagar Part-II,
Palam Colony,
New Delhi -110045. .. Applicants

(By Advocate : Shri Mahesh Srivastava)

Versus

1. Union of India,
Through Secretary,
Ministry of Defence,
New Delhi.

2. The Officer Commanding,
FOL (Depot), (210 POL),
ASC, Delhi Cantt.,
Delhi. .. Respondents

(By Advocate : Ms. Ritika Chawla)

ORDER (ORAL)

The applicants, who are working as Casual Labourers under the respondents, have filed this O.A. seeking the following prayer:

- “(i) Issue an appropriate direction to grant temporary status to the applicant and also issued appropriate direction to the respondents to regularize their services against 74 vacancies arose in the year 1998 in the interest of justice.
- “(ii) Any other relief which the Hon’ble Tribunal deems fit and proper may also be granted to the applicant with the costs of litigation.”

2. Learned counsel for the respondents pointed out that the same applicants, viz. Shri Titu Ram and Others, had approached this Tribunal with the same prayer in O.A. No.334/2001, which was allowed vide order dated 12.09.2001. However, the respondents had challenged the order before the Hon'ble High Court of Delhi in CWP No.2493/2002 and CM No.4337/2002 and relying on the judgment of the Hon'ble Apex Court in **Union of India and Another vs. Mohan Pal etc.**, Civil Appeal No.3168 of 2002, the Hon'ble High Court vide order dated 10.05.2002 allowed the writ petition and set aside the order of the Tribunal.

3. It is further stated by the learned counsel for the respondents that in WP(C) No.10661/2006 and CM No.8146/2006 filed by the respondents against the direction of regularisation ordered by the Tribunal in the case of Enjan Kumar and Ors., Hon'ble High Court of Delhi vide order dated 24.10.2007 held that the order of the Tribunal cannot be sustained and, accordingly, set it aside.

4. Learned counsel for the respondents, therefore, states that the present O.A. is clearly barred by the principle of res judicata as the same issue has been agitated before and their prayer was rejected by the Hon'ble High Court.

5. In view of this, the O.A. is dismissed on the ground of res judicata. No order as to costs.

MA 2362/2016

Learned counsel for the applicant has also moved MA 2362/2016 seeking amendment in prayer clause of the O.A. as follows:

- “(i) Issue an appropriate direction to the respondents not to replace the applicants from contract, casual and adhoc workers in the interest of justice.
- “(ii) Any other relief which the Hon’ble Tribunal deems fit and proper may also be granted to the applicant with the costs of litigation.”

2. Clearly, the prayer in the amended O.A. is a completely new prayer and can only be agitated by the applicants in a fresh O.A.

3. The MA is, therefore, dismissed, with liberty to the applicants to move in a fresh O.A., in accordance with law, in case they are so advised.

(P.K. Basu)
Member (A)

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