

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA/310/01231/2018

Dated Friday the 28th day of September, Two Thousand Eighteen

PRESENT

Hon'ble Mr. R.Ramanujam, Member(A)

M.Shaji,
S/o.Velayudham,
Naivedyam,
Chalakkara, NewMahe 673 311. Applicant

By Advocate M/s Sarvabhauman Associates

Vs.

1. Union of India, through the Govt of Puducherry,
Rep. by the Secretary to Government,
Labour Department, Chief Secretariat,
Puducherry.
- 2.Commissioner of Labour,
Labour Department,
Government of Pondicherry, Puducherry.
- 3.Rajiv Gandhi Govt. Industrial Training Institute,
Government of Pondicherry, Mahe .. Respondents

By Advocate Mr.R.Syed Mustafa

ORDER**Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)**

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"(i)To direct the respondents to regularize the service of the applicant as Vocational Instructor with effect from 04.12.2008 with all consequential benefits flowing there from and pass such further or other orders as may be deemed fit and proper."

2. It is submitted that the applicant had earlier approached this Tribunal seeking regularization of his services as Vocational Instructor w.e.f 04.12.2008 with all consequential benefits flowing therefrom in OA No.196/2014 which was disposed of on 14.07.2016 with a direction to the respondents to consider the case of the applicant sympathetically after reframing and finalizing the recruitment rules in terms of the amended provisions, if he was otherwise found eligible. Liberty was given to the applicant to approach the Tribunal if by the time the rules were reframed, the applicant became overaged.

3. Learned counsel for the applicant submits that although the aforesaid order was passed by this Tribunal on 14.07.2016, so far the respondents have taken no action on his grievance. The applicant is, therefore, constrained to file this OA for an appropriate

relief.

4. Mr.R.Syed Mustafa takes notice on behalf of the respondents.
5. On perusal, it is seen that the applicant had sought an identical relief in OA 196/2014 which was disposed of with the aforesaid direction on 14.07.2016. It is not clear if the rules have since been reframed and finalized. No time limit had been given in the order of this Tribunal for such action. However, if the rules have since been reframed and finalized and the applicant's case has still not been considered, the applicant could submit a representation to the respondents for further action. It is for the applicant to obtain the relevant information in this regard and produce *prima facie* evidence that the order of this Tribunal had not been complied with.
6. As the matter stands today in terms of the documents produced in this OA, it would appear to be a clear case of *res judicata* and cannot be entertained. However, liberty is granted to the applicant to seek the requisite information by making a representation to the competent authority in the light of the order of this Tribunal in the previous OA. On receipt of such representation, the respondent may pass a reasoned and speaking order within a period of two months thereafter. In the event of any

grievance persisting, the applicant shall be at liberty to approach this Tribunal if it is related to refusal of age relaxation.

7. OA is disposed of as above.

(R.Ramanujam)
Member(A)
28.09.2018

M.T.