

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.305/2012

Date of Decision: 14.01.2019.

CORAM: HON'BLE DR. BHAGWAN SAHAI, MEMBER (A)
HON'BLE SHRI R.N. SINGH, MEMBER (J)

Hasarat Ali S/o. Balam Ali
 Age – Major, Occ. - Vendor,
 R/at Sureshdada Jain Nagar,
 Bldg.No.21, Room No.9, Jalgaon,
 Dist. Jalgaon. ... ***Applicant***
(Advocate Ms. Priyanka Mehndiratta)

VERSUS

1. Union of India, through
 The General Manager,
 Central Railway, Head Quarter Office,
 Mumbai CST, Mumbai 400 001.
2. The Divisional Railway Manager (DRM)
 Bhusawal Division, Central Railway,
 DRM's Office, Bhusawal.
3. Divisional Commercial Department (DCM)
 Inspector Catering Unit,
 Bhusawal (CR), Bhusawal.
4. S.B. Wani & Co.(Catering Contractor)
 Matruchhaya 105, Rajendra Colony,
 Nasik Road, Nashik. ... ***Respondents***
(Advocate Shri V.D. Vadhavkar)

ORDER (Oral)

Per : Shri R.N. Singh, Member (J)

Heard the learned counsels for the parties.

2. The Applicant has filed the present OA on being aggrieved of not being regularized/absorbed in the permanent

services of the Railway Administration and he has sought the following reliefs:

“8.a) The Hon'ble Tribunal may allow this application and may graciously be pleased to call for the records and the documents as pleaded in this application which are in custody of respondent and necessary from the respondent regularize the applicant.

8.b) The applicant be permitted filed this documents if available.

8.c) The Hon'ble Tribunal further be pleased to direct respondent to grant and consequential benefit of just and equitable benefit to the applicant. Applicant fourth with regularize and benefited the consequential benefit as necessary from the respondent. Necessary direction be issued in the interest of justice.

8.d) Cost of the application be provided.

8.e) Such other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the circumstances of the case in the interest of justice in favour of applicant.”

3. The Respondents have filed reply to the aforesaid OA and they have taken a preliminary objection therein that the applicant had earlier approached this Tribunal for the same/similar relief vide OA No.410/2004 which was dismissed by this Tribunal vide order/judgment dated 19.06.2009 (Annex.A-18) and for recall of that order/judgment, the applicant had filed Review Petition No.09/2009, which was also

dismissed by this Tribunal vide order dated 07.12.2009 (Annex. R-1).

4. Learned counsel for the respondents further submits that aggrieved by the order dated 19.06.2009 and 07.12.2009, the applicant approached the Hon'ble High Court vide WP No.5360/2010 which was also dismissed vide order/judgment dated 15.11.2010. Learned counsel for the respondents submits that in view of the above judgments in the OA, RA and WP filed by the applicant, the present OA is not maintainable *per contra*. The learned counsel for the applicant submits that the applicant has filed MA No.614/2014 seeking amendment to the OA.

5. We have perused the relevant pleadings qua the OA and MA. In the MA, the applicant has taken the ground that the said orders/judgments are nullity in the eyes of law inasmuch as they have been obtained by the respondents on the basis of fabricated documents. However, the same has been denied by the respondents in their reply to the MA. There is nothing on record which may indicate that the orders were passed by

this Tribunal or by the Hon'ble High Court on the basis of any fabricated documents produced by the respondents. The present OA and MA are nothing but misuse of process of law. We were inclined to impose heavy cost on the applicant. However, keeping in view the submission made by the learned counsel for the applicant that the applicant is confined to bed on account of serious illness, we are restraining ourselves from imposing cost on the applicant.

6. However, the OA and MA are dismissed as being found devoid of merit. No order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.