

**Central Administrative Tribunal
Principal Bench**

**OA No.2462/2019 with
MA No.2661/2019**

New Delhi, this the 21st day of August, 2019

**Hon'ble Justice Mr. L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Om Prakash Maurya
(aged about 76 years)
S/o Late Sh. Shyam Lal
Formal Joint director of Employment Exchange
(Directorate General of Employment & Training)
Ministry of Labour & Employment
Shram Shakti Bhawan
Rafi Marg, New Delhi-110001
(Resident of E-402, Green Valley Apartment
Sector-22, Dwarka, New Delhi-110001
(Resident of E-402, Green Valley Apartment
Sector-22, Dwarka, New Delhi-110075.Applicant

(By: Applicant in person)

Vs.

1. The Union of India
Through Secretary
Ministry of Labour & Employment
Shram Shakti Bhawan
Rafi Marg, New Delhi-110001.
2. Director General/Joint Secretary
Directorate General of Employment
(erstwhile DGE&T)
Ministry of Labour & Employment
Shram Shakti Bhawan
Rafi Marg, New Delhi-110001.
3. Joint Secretary (Finance)
Ministry of Finance
Govt. of India
CSIR Building Rafi Marg

New Delhi-110001.

...Respondents

(By Advocate: Shri Rajiv R. Raj)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

MA No.2661/2019

This Application is filed with a prayer to condone the delay of 5 months and 29 days in filing the OA.

2. Having regard to the reasons mentioned in the MA, we done the delay. MA is allowed.

OA No.2462/2019

3. This is the third round of litigation instituted by the applicant, that too, in full length. The applicant retired from service of the Ministry of Labour, as Joint Director of Employment Exchange on 31.01.2003. He filed OA No.2187/2006 claiming the relief of regularisation in the post of Joint Director and for grant of pay scale of Rs.12000-16500 w.e.f. 01.09.1998 and further benefit under FR 22(1)(a)(i). The OA was disposed of with a direction to the respondents to pass a speaking order on the representation of the applicant within a period of three months. Thereafter, the applicant filed CP No.406/2007 alleging that the

direction, issued by the Tribunal, was not complied with. During the pendency of that contempt case, respondents passed an order dated 24.08.2007. The CP was closed taking note of the order dated 24.08.2007 and it was left open to the applicant to challenge the same by filing a separate OA.

4. The applicant filed OA No.2002/2008 challenging the said order. The Tribunal allowed the OA through Order dated 25.03.2009, setting aside the order dated 24.08.2007 and directing the respondents to grant the revised pay scale of Rs.12000-16500 from the date, he was promoted, on ad hoc basis, with all consequential benefits. The respondents filed Writ Petition(C) No.10935/2009 before the Hon'ble High Court of Delhi. Through a detailed judgment dated 22.12.2010, the Hon'ble High Court has set aside the Order in the OA and remanded the matter for fresh consideration. SLP No.7819/2011, filed by the applicant was rejected by the Hon'ble Supreme Court on 28.08.2011. After remand, the Tribunal dismissed the OA No.2002/2008 through Order dated 26.07.2012. Challenging the same, the applicant filed Writ Petition(C)

No.2597/2014. The Writ Petition was dismissed through judgment dated 28.04.2014. The same was confirmed by the Hon'ble Supreme Court in SLP(C) No.23554/2015 on 17.08.2015.

5. In the present OA also, the very relief which was claimed and rejected in the earlier ones, is prayed for. The basis pleaded by the applicant is the reply to an application filed by him on 09.01.2015 under the Right to Information Act, 2005. The respondents have issued a reply dated 19.03.2015 stating that the post of Joint Director of Employment Exchange has never been merged with the post of Deputy Director of Employment Exchange.

6. We heard the applicant who argued the matter in person and Shri Rajive R Raj, learned counsel for the respondents.

7. By now, the applicant was heard four times by the Tribunal, thrice by the Hon'ble High Court and twice by the Hon'ble Supreme Court. The net result is that he was held not entitled for the relief. Even then, he is not satisfied and is unrelenting in his efforts. The only

basis for him to re-agitate the issue is the reply dated 19.03.2015. Except stating that the post of Joint Director was never merged with the post of Deputy Director, the respondents did not state anything further. Assuming that the said information has any bearing on the earlier adjudication, it does not constitute the basis for filing a fresh OA. No reference is made to any provision of law. He cannot have the luxury of burdening this Tribunal and courts, simply because he has time and resources at his disposal.

8. The OA is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/