

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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O.A.NO.1011/2003

Tuesday, this the 6th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

Ms. Kiran Bala Sharma
d/o Shri Bishan Chand Sharma
House No.163-B, Block No.A5/B
Janak Puri, New Delhi-58

..Applicant

(By Advocate: Shri P.S.Mahendru)

Versus

1. Union of India through
the Secretary,
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi-11
2. The Director General Health Services
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi-11
3. The Officer Incharge
Rural Health Training Centre
Govt. of India
Najafgarh
New Delhi-43

..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant, by virtue of the present application, seeks a direction to regularise her to the post of Public Health Nurse (Senior) from the date of completion of probation period, with consequential benefits.

2. The facts alleged by the applicants are that she joined the service in 1987 and that she completed her probation period on 11.8.1989. She stood automatically confirmed but no order regularising her services has been passed. In that view of the matter, the above-said relief is being claimed.

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3. On 24.4.2003, we had asked the learned counsel for applicant to place on record the earlier decision of this Tribunal in OA-1581/2002 decided on 3.4.2003. Learned counsel for applicant has been good enough to make the same available to us.

4. Perusal of the same clearly shows that the applicant had earlier filed OA-1918/91 before this Tribunal in which she had claimed the same relief that she should be regularised. This Tribunal had not awarded the said relief but directed that unless the post of the applicant is abolished or declared surplus or until final selections are made on the basis of recruitment rules, which ever is earlier, she should not be reverted on the ground that her services are not required any longer.

5. The same relief is being claimed in the present OA.

6. Learned counsel for applicant has drawn our attention to the fact that Supreme Court has in similar matters given other directions. We are not going into the said controversy. The reason being that when inter se between the parties a decision has already been arrived at, the same necessarily binds the parties. The same relief, therefore, cannot be granted.

7. In that event, learned counsel for applicant had pointed that a relief in the form of direction to the respondents to frame the recruitment rules or a scheme in this regard should be given because the applicant has

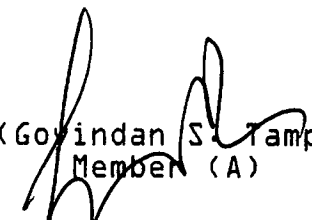
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been allowed to continue as such for nearly sixteen years. In this regard, no such specific relief is being claimed. The applicant, if so advised, may file separate application.

8. Subject to aforesaid, OA is dismissed.


(Gopinandan S. Tampi)
Member (A)
/sunil/


(V.S. Aggarwal)
Chairman