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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1377 of 2003

New Delhi, this the 11th day of September, 2003

HON BLE MR. KULDIP SINGH, MEMBER (JUDL)

1. Sukhvir Singh
S/o SHri Kartar Singh
R/o Holambi Khurd
P.O. Holambi Kalan,
New Delhi.
2. Virender Singh
S/o SHri Chander Singh
R/o 1/40 Gali No.23,
New Marg, Model Shandara,
Delhi-110 032.
3. Smt. Sharda
W/o Late Shri Joginder
House No. 7026,
Nabi Karim Paharganj,
New Delhi. ...Applicant

By Advocate: Shri R.N. Singh.

Versus

1. Government of NCT of Delhi
Through Secretary Health,
Players Building,
I.P. Estate,
New Delhi.
2. Lok Nayak Jai Prakash Narain Hospital
New Delhi. ...Respondents

O R D E R

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the act and conduct and failure on the part of respondents to appoint and seek age relaxation in respect of applicants in terms of the decision in OA No.2013 of 1989 dated 5.6.90 and order dated 28.4.1997 in OA No.30 of 1995.

2. The applicants allege that they were also applicants in OA 2013 of 1989 and their name figured at S.No. 17, 37 and 53 respectively but since the applicant had put in more than 240 days at the time of filing of
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that OA, the OA was decided with a direction to the respondents to prepare a scheme for regularisation and absorption of the daily wage employees engaged by them and till such time no fresh recruitment shall be undertaken by the respondents.

3. It is stated that despite that order the respondents have failed to reinstate/appoint the applicants to the post of Nursing Orderly and Sweeper for the reasons best known to them.

4. It is further stated that CP was also filed which was disposed of with a direction that at the time of consideration of the case of the remaining three persons under the rules, respondents shall also consider them giving age relaxation and weightage for their past service rendered by them.

5. The applicants No.1 and 2 were called for interview for the post of Nursing Orderly in the month of August, 1999 and petitioner No.3 was called for the post of Sweeper and it is stated that they were also informed that their cases were also pending but the respondents had again advertised the post of Group D to which applicants are also eligible and had applied also and thus it is quite clear that the vacancies are available for appointment, so it is prayed that the respondents be directed to consider them giving age relaxation and to reinstate/reengage them in preference to juniors and outsiders.

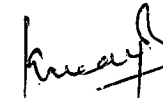
6. I have heard the learned counsel for the applicants and gone through the record.

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7. It is an admitted case of the applicants that earlier they had appeared for an interview for regularisation of their services but they were not regularised. Thereafter the applicants had filed an MA 1103/2002 in OA 2013/89 which the applicants had withdrawn on the plea that they would be filing a fresh OA in terms of the scheme prepared by the Government of India.

8. But no such scheme has been filed along with the present OA and the directions given in OA 2013/89 stand till date and no fresh cause of action has arisen to the applicants to file the present OA.

9. In view of the above, OA has no merits and the same is dismissed in limine.


(KULDIP SINGH)
MEMBER (JUDGE)
11.8.2003

Rakesh