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**CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH**

OA No.2500/2003

New Delhi, this the 18<sup>th</sup> day of August, 2004

Hon'ble Shri S.K. Naik, Member(A)

1. Mohan Chand  
Gali No.2, Parutia Anchal  
Sant Nagar, Buradi, Delhi

2. Bhupal Singh  
B-48, NPL Colony, New Delhi

3. Raj Kumar  
Room No.25, NPL Colony, New Delhi .. Applicants

(Shri B.B.Raval, Advocate)

versus

Director General  
Council of Scientific and Industrial Research  
Anusandhan Bhawan, New Delhi .. Respondents

(Shri Manoj Chatterjee and Ms.K.Iyer, Advocates)

Director General  
Council of Scientific and Industrial Research  
Anusandhan Bhawan, New Delhi .. Respondents

(Shri Manoj Chatterjee and Ms.K.Iyer, Advocates)

ORDER

The applicants, three in number and working as Casual Labours in CSIR, are before this Tribunal in the 6<sup>th</sup> round of litigation. Initially they filed OA 934/97 seeking regularization of their services, which was rejected by the Tribunal on 23.6.1997. Next they filed OA 771/1997 which was disposed of on 13.2.98 directing the respondents to consider grant of temporary status to them in terms of respondents' circular dated 13.2.98. They filed CP 161/1998 which was dismissed as no contempt was made out. This was followed by OA 374/2001 which was disposed of on 6.8.2001 directing the respondents to consider them to grant of temporary status. In pursuance thereof, respondents have informed the applicants on 24.12.2001 that they do not fulfill the criteria laid down in the CSIR guidelines and therefore they are not entitled to the grant of temporary status. They made a representation on 14.8.2003 for grant of temporary status, which has been turned down by respondents' OM dated 29.8.2003 and the same is under challenge in the present OA. They have also sought a direction to the respondents to grant them temporary status and regularization thereof.

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2. Since the facts of the case have already been discussed in the earlier orders of the Tribunal and there is no significant change in them, I do not deem it necessary to repeat the same herein again.

3. I have heard the learned counsel for the parties and considered the pleadings.

4. Learned counsel for the respondents has rightly raised preliminary objections that the OA is not only hit by the principles of resjudicata but also by limitation in that when the request of the applicants had already been rejected vide order dated 24.12.2001 in pursuance of the Tribunal's direction dated 6.8.2001 in OA 374/2001 as they do not fulfill the criteria laid down in the CSIR guidelines, they have chosen to challenge the same after a lapse of more than 21 months agitating the same issue again. The counsel has contended that the applicants were engaged as casual labours between November, 1990 and September, 1993 and the "Casual Workers Absorption Scheme, 1990" evolved in consultation with DoPT is applicable to only those casual workers who were in employment on the date of issue of these instructions but having been engaged for atleast one year on 1.1.1990 or having completed 240 days (206 days in case of 5 days week) in the immediately preceding calender year . According to the counsel, since the applicants were not engaged prior to 1.1.1990 and that they have not put in the required length of service as per the said scheme, they are not entitled for grant of temporary status nor regularization and they have been duly informed as back as on 24.12.2001. He has also contended that no fresh cause of action has accrued to the applicants for filing the present OA.

5. When it is not in dispute that the aforesaid Scheme is a one-time Scheme which came into being from 1.1.90 and the applicants were engaged as casual labours only between 1.11.90 and 1.9.2003 and have not completed the requisite length of service prior to 1.1.90 for grant of temporary status in terms of para 4(ii) of the Scheme dated 4.10.1990 already extracted above, coupled with the fact that the applicants have already been informed that they are not entitled for the relief prayed for as back as 24.12.2001 there is hardly anything that needs adjudication in the present OA. As has been rightly contended by respondents' counsel, the present OA is not only hit by principles of resjudicata but also by limitation. That apart, no fresh cause of action has arisen to the applicants when the relief sought for has already been adjudicated upon.

6. In the result , for the reasons given above, the present OA is dismissed. No costs.

S.K. Naik  
(S.K. Naik)  
Member(A)

/gtv/