

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No. 39/2004 in
OA No. 2990/2003

New Delhi, this the 04th day of February, 2004

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

1. Shri Raj Kumar s/o Shri Bhim Singh
2. Shri Hari Shanker Shukla s/o Sh. Hari Har Shukla
3. Shri Vinod Kumar s/o Shri Tulsi Ram
4. Shri Surjee s/o Shri Umrao
5. Shri Ram Bhagat s/o Shri Chhotu Ram.
6. Shri Roshan Lal s/o Shri Raja Ram,
7. Shri Son Pal s/o Shri Raghbir
8. Shri Sat Pal s/o Shri Ant Ram
9. Shri Ram Naresh s/o Sh. Chunni Lal
10. Shri Jitender Kumar s/o Sh. Chanda Singh
11. Shri Baljeet s/o Shri Mauji Ram
12. Shri Mohan Lal-I s/o Shri Ram Kishan
13. Shri Mohan Lal-II s/o Sh. Harish Chander
14. Shri Bhim Sain s/o Shri Babu Ram
15. Shri Ram Rattan s/o Sh. Ram Kishan
16. Shri Dharam Bir s/o Sh. Shiv Charan
17. Shri Dev Nath s/o Sh. Bhagwan Dass
18. Shri Basu Dev s/o Sh. Ram Singh
19. Shri Puran Ram s/o Sh. Pancham Ram
20. Shri Jagdish s/o Shri Ram Kala

(All working as Box Porters under Station Manager, Northern Railway, Delhi Main Railway Station, Delhi - 6 on the Delhi Division of Northern Railway, New Delhi.)

... Applicants

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi - 110 001.
2. The Chief Personnel Officer, Northern Railway, Baroda House, New Delhi - 110 001.
3. The Divisional Railway Manager, Northern Railway, State Entry Road, New Delhi.
4. The Station Manager, Delhi, Northern Railway, Delhi Railway Station, Delhi - 110 006.

1.4. Respondents

ORDER (By Circulation)

Justice V.S. Aggarwal, Chairman -

The applicants had earlier preferred O.A. 455/2002. It was withdrawn on 5.3.2003. The applicants wanted to approach the Labour Court or the authorities dealing with Labour Laws. Thereafter O.A. 2990/2003 was filed. It was dismissed on 11.12.2003 with the following order:

"Earlier the applicants had preferred OA No. 455/2002 which came up for hearing on 5.3.2003 and was disposed of as per statement of applicants' learned counsel. The said order reads:

"Learned counsel for the applicants states that he may be permitted to withdraw the present application but he should be allowed to approach the Labour Court or the authorities dealing with the Labour Laws.

2. Allowed as prayed. Subject to aforesaid, dismissed as withdrawn. Nothing said herein is an expression of opinion on the merits of the matter."

2. The applicants contend that they had approached the Union but no action has been taken and, therefore, have filed the fresh application. It is patent from the earlier order that the applicants had withdrawn the petition with liberty to approach the Labour Court or the Authorities dealing with the Labour Laws. As the applicants had not done so, the fresh petition in any case is not maintainable. Therefore, it must fail and is dismissed."

2. Applicants seek review of the said order contending that Code of Civil Procedure does not apply. Learned counsel for the applicants had wrongly withdrawn the earlier application. Therefore, it is

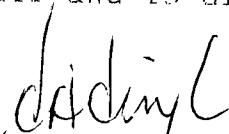
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prayed that order passed in O.A.2990/2003 may be reviewed.

3. It is true that provisions of Code of Civil Procedure does not apply but this Tribunal will have the trappings of the court. The basic principle necessarily has to be the same. Even if a petition is withdrawn, the second petition should not be entertained because it would be an abuse of the process of law. The said contention, therefore, must fail.

4. While the applicants state that earlier petition i.e. O.A.455/2002 was wrongly withdrawn, still they do not seek review of that order but they are seeking review of the subsequent order. The subsequent petition i.e. O.A.2990/2003 necessarily had to fail because the earlier petition had voluntarily been withdrawn.

5. Resultantly, we find that there is no error apparent on the face of the record. The petition must fail and is dismissed in circulation.


(S.A. Singh)

Member (A)


(V.S. Aggarwal)
Chairman

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