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Central Administrative Tribunal  
Principal Bench: New Delhi

CP No.537/2001 IN  
OA 2520/2002

this the day of 31th December, 2002

Hon'ble Sh.Shanker Raju, Member(J)  
Hon'ble Sh. C.S.Chadha, Member(A)

Rajvir Singh,  
Ex-Casual Labourer,  
C/o "R" Block, R-10/C, Old Uttam Nagar,  
New Delhi-110059 ...Petitioner  
(By Advocate: Shri E.J.Vergjese)

Versus

1. Mr. G.C.Bhandari,  
Controller General of Defence Accounts,  
West Block-V,  
R-10/C, Old Uttam Nagar,  
New Delhi-110066.
2. Mr. Kaihauvaiphei,  
Controller of Defence Accounts (R&D),  
"L" Block,  
New Delhi-110011. ...Respondents.

ORDER(ORAL)

By Hon'ble Sh.Shanker Raju, Member(J)

Applicant assails wilful and contumacious disobedience on the part of the respondents whereby in pursuance of directions contained in OA 2520/2002, respondents by an order dated 12.11.2002 rejected the claim of the applicant for regularisation under the DOPT Scheme dated 1993 as well as they have not re-engaged the applicant. It is further stated that though employment exchange has been approached for engagement of casual labour but the applicant who was earlier working has not been preferred over the freshers and juniors and the termination of the applicant was not justifiable.

2. We have considered the contention of applicant in the light of the decision of J.S.Parihar Vs. Ganpat

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Duggar AIR 1997 SC 113. In view of above, a new cause of action cannot be gone in<sup>to</sup> the contempt petition. Moreover, we do not find any disobedience on the part of the respondents since they have considered the case of the applicant independent of the Scheme of DOPT of 10.9.1993 and passed a reasoned and speaking order. In so far as the reengagement of the applicant is considered, it is stated that as and when work of seasonal or intermittent nature is available, applicant would be given preference over the juniors and freshers. If the applicant is still aggrieved by the impugned order, he will be at liberty to approach this court in accordance with law.

3. With this observation, CP is dismissed at the admission stage itself.



(C.S.Chadha)  
Member(A)

/kd/



(Shanker Raju)  
Member(J)