

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

CP 432/2004  
OA 3160/2002

New Delhi this the 15<sup>th</sup> day of July, 2005

**Hon'ble Mr. M.P.Singh, Vice Chairman (A)**  
**Hon'ble Mrs. Meera Chhibber, Member (J)**

1. Shri Raghwa Sharma,  
S/O Shri Chander Dev Sharma
2. Shri Pramod Singh,  
S/O Shri Alam Singh
3. Shri Subhash Chand  
S/O Late Shri Soni Prasad
4. Shri Rajinder Kumar  
S/O Shri Mool Chand
5. Shri Ramesh Chand  
S/O Shri Gobind Singh

( All working as Helper Khallasis Instrument  
Research and Development Institute, Dehradun  
(Uttar Pradesh )

...Applicants

(By Advocate Shri B.S.Mainee )

VERSUS

1. Shri Ajay Vikram Singh,  
Secretary,  
Ministry of Defence,  
South Block, New Delhi.
2. Shri M.Natrajan,  
Director General,  
Research and Development  
Ministry of Defence, South Block,  
New Delhi.



3. Shri B.P. Sandyulas  
Director of Manpower Planning and  
Development, 'B' Wing,  
Sena Bhawan, New Delhi.
4. Shri J.A.R. Krishnamooty,  
Director,  
Instrument Research and Development  
Estt. Rajpur Road, Dehradun (Uttaranchal )

..Respondents

(By Advocate Shri H.K. Gangwani )

### ORDER

(Hon'ble Mrs. Meera Chhibber, Member (J))

This Contempt Petition was filed alleging disobedience of the order dated 6.2.2004 by giving the following directions:

"Thus, having regard to the facts and circumstances of the case and also keeping in mind the various aspects of the matter which have been gone through by the Hon'ble Supreme Court while deciding and disposing of the aforesaid Writ Petition, and also considering the fact that the applicants have essentially served the respondents through the Contractor/Society, I am inclined to dispose of this OA by remitting the matter to the respondents with direction that they reconsider the case of the applicants in the light of the decisions of the Hon'ble Supreme Court in Writ Petition No. 277/1988 and dispose it of by issuing a reasoned and speaking order covering all the points as have been referred to in the above mentioned decisions of the Hon'ble Supreme Court. They are further directed to dispose of the matter in the above manner within a period of four months from the date of receipt of a copy of this order".

2. Respondents have filed their reply stating that the directions given by this Tribunal have already been complied with as they have already passed a detailed and reasoned order dated 1.9.2004 explaining therein that the request of applicants cannot be acceded to. They have thus prayed that the Contempt Petition may be dismissed.

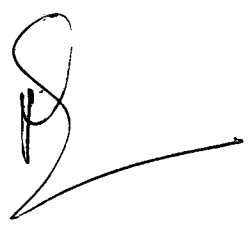
3. Counsel for applicants, on the other hand, strenuously argued that once certain observations were made by the Tribunal in its order dated 6.2.2004, respondents were



bound by them and could not have rejected the claim of the applicants on the same very ground. He, therefore, insisted that action may be taken against the respondents for non complying the directions of the order in its true letter and spirit.

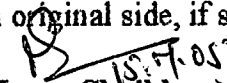
4 Perusal of the order dated 6.2.2004 shows that upto para 8 only the submissions have been referred to by both the parties . In para 9 it is observed that there are certain aspects of the matter which need to be pondered over by the respondents and then reference has been made to a case filed by Railway Porters. But in the next very paragraph in Para 10, it is observed that no report of the Assistant Labour Commissioner is available in the present case and as such, similarity with the case referred to in the case of Railways does not go beyond this point. It is also seen that in Para 10 it is observed that applicants should have been given the benefit of regularisation of their services even by the Contractor. It is also recorded that applicants, in fact, rendered services for the respondents through a Contractor. After recording this, respondents were directed to consider the case of those applicants for regularization/absorption as per Rules and Procedures

5. The above paragraphs clearly show that no findings were recorded by the Tribunal at any place containing that either applicants were engaged by respondents or Contractor was sham or camouflage nor there was any finding recorded by the Industrial Forum to show that applicants had been engaged with respondents indirectly. It was only after referring <sup>to R</sup> certain cases, that respondents were directed to consider the case of the applicants. The respondents have passed a detailed order on 1.9.2004 wherein the judgment given in National Federation of Railway Porters by the Hon'ble Supreme Court has been referred to as well as other judgments given by the Hon'ble Supreme Court and



have tried to distinguish the case of Railway Porters from that all applicants by stating that in that case regular enquiry was made by Labour Commissioner whereas in the present case there has already been adjudication by industrial forum that there is no relationship between IRDE and the labourers doing the job of sweeping etc. Therefore, in view of the judgment given by the Hon'ble Supreme Court in the case of Ram Singh, no relief can be given to the applicants.

6. It goes without saying that the scope of contempt petition is very limited and we cannot go into the correctness of the reasoning given by the respondents in contempt matter. Since direction given to respondents was to consider the case of applicants and they have already considered all the cases and passed a detailed and speaking order as well.. No case for contempt is made out. CP is accordingly dismissed. Notices issued to the respondents are discharged. However, if applicants are aggrieved by the order dated 1.9.2004 they would be at liberty to challenge the same on original side, if so advised.

  
(Mrs. Meera Chhibber )  
Member (J)

  
( M.P.Singh )  
Vice Chairman (A)

sk