

6

6

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. NO.355/2005
M.A. NO.1660/2005
in
O.A. NO.2536/2002

This the 23rd day of December, 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SMT. MEERA CHHIBBER, MEMBER (J)

1. Srivrat Kumar, Casual Labour
2. Dev Kumar, Casual Labour
3. Vimal Singh, Casual Labour
4. Azad Singh, Casual Labour
5. Ashok Kumar, Casual Labour
6. Jitendra Kumar, Casual Labour

(All working at DCDA (AF) Subroto Park,
New Delhi-110010)

7. Jaya Chand, Casual Labour
8. Amar Singh, Casual Labour
9. Chhedi Lal, Casual Labour

(All working at CDA (AF) R.K.Puram,
New Delhi-110010).

... Applicants

(By Dr. (Mrs.) Vipin Gupta, Advocate)

versus

1. Shri Ajay Prasad,
Secretary, Ministry of Defence,
South Block, New Delhi-110011.
2. Shri Amit Kaushese,
Controler General of Defence Accounts,
West Block V, R.K.Puram,
New Delhi-110066.
3. Shri Dilip Vishwas,
Controller of Defence Accounts (AF),
West Block V, R.K.Puram,
New Delhi-110066.
4. Shri Dinesh Singh,
Deputy Controller of Defence Accounts,
Subroto Park, New Delhi.

... Respondents

(By Shri H.K.Gangwani, Advocate)

16

7

ORDER**Hon'ble Shri V.K.Majotra, Vice-Chairman (A):**

Applicants, nine in number, have filed these contempt proceedings against respondents for non-compliance of Tribunal's orders dated 13.8.2003 whereby OA No.2536/2002 was allowed with the following directions:

- "a) That Sh. Sunil Kumar and Sh. Vijay Pal Singh, whose juniors have been regularised by the respondents, should be considered for being regularised within a period of two months from the date of receipt of a copy of this order.
- b) The remaining applicants who have worked for more than 5 years be also regularised whenever the next vacancies become available."

2. The learned counsel of applicants pointed out that the services of Shri Sunil Kumar and Shri Vijay Pal Singh who are similarly situate as applicants, have been regularised by respondents in compliance of Tribunal's orders dated 13.8.2003. However, the services of present applicants have not been regularised and they are still working as casual labour. She further stated that applicants ought to have been regularised w.e.f. 21.1.2000 when the services of applicants' juniors were regularised. She further maintained that twelve vacancies exist in Group 'D' with respondents on which the services of applicants can easily be regularised. Referring to Annexure A-6 dated 15.3.2004 by which CP No.6/2004 in OA No.2536/2002 was disposed of stating that Tribunal's orders in OA No.2536/2002 had been complied with, the learned counsel of applicants stated that these orders were passed on a wrong statement made on behalf of respondents regarding compliance of Tribunal's directions.


3. Respondents have filed reply affidavit. The learned counsel of respondents pointed out that while applicants' earlier CP No.6/2004 was dropped, these very applicants had filed another OA No.2715/2004 for the same relief of regularisation of their services. It was disposed of vide orders dated 18.11.2004 directing respondents to consider their representations giving appropriate and

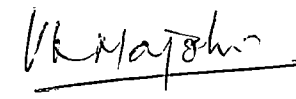


reasoned reply to them within a period of two months. The learned counsel pointed out that vide Annexure A-9 dated 19.11.2004, reply on representation of applicants was issued to the effect that no vacancy is available in Group 'D' post and their cases would be considered as and when vacancies are available, and if otherwise feasible.

4. To a pointed question whether applicants have challenged Annexure A-9 dated 19.11.2004, the learned counsel of applicants replied in the negative. Whether or not vacancies in Group 'D' are available with respondents, being a contentious issue, cannot be dealt with in contempt proceedings.

5. Having regard to the submissions made on behalf of respondents to the effect that no vacancies in Group 'D' are available with them, and the earlier CP No.6/2004 having been dropped, the present proceedings are also dropped, however, with liberty to applicants to challenge respondents' letter dated 19.11.2004 (Annexure A-9), if they so choose, as per law.


(Meera Chhibber)
Member (J)
/as/


(V. K. Majotra)
Vice-Chairman (A)
23.12.04