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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CP NO. 386/2002 IN
OA NO. 506/2002

This the 20th day of September, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A.T. RIZVI, MEMBER (A)

Shyambir Singh,
S/o Sh. Shanker, age 36 years,
R/o H.No.33, Block F-2, Vikas Nagar,
New Delhi-110059 employed as casual
labour in Junior Engineer, Central
Public Works Department, Construction
Division No.4, Sub-Division No.6,
opposite at the Enquiry Office in
Amrit Kunj, D.M.S.Colony, Hari Nagar,
New Delhi-110064.
(By Advocate: Sh. R.K.Shukla proxy for
Sh. S.N.Shukla)

Versus

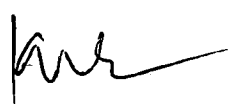
Shri Sita Ram,
Executive Engineer (Civil),
Construction Division No.4,
Central Public Works Department,
Pusa,
New Delhi-110012.

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard counsel for applicant.

2. Applicant has filed OA No.506/2002 which was allowed with the directions to the applicant to make a comprehensive representation within a period of 2 weeks and department shall consider the same on its merits in the light of relevant rules and instructions and judicial pronouncements on the subject. Department thereafter passed an order dated 15.4.2002. Applicant was not satisfied with the order and came with the fresh OA. However, Tribunal was of the view that remedy lies by way of filing the contempt petition and not through a fresh OA. Thereafter, a legal notice dated 11.6.2002 was issued to the respondents quoting the judgment of the earlier OA, upon which an order dated 12.6.2002 was passed by the department.

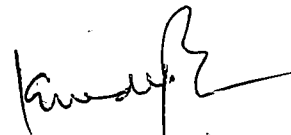


Applicant is still not satisfied. He has come up with the CP alleging therein that the respondents had not considered the judgment given by the Hon'ble Delhi High Court in case of similarly situated person in CWP No. 670/2001. But in our view this contention is not enough to show that any contempt has been committed by the respondents.

3. The respondents vide their order dated 12.6.2002 had passed a reasoned and speaking order and had turned down the representation of the applicant. So now the remedy lies only by filing a fresh OA or CWP in Hon'ble High Court but there is no contumacious or wilful disobedience on the part of the respondents. CP does not lie. Hence CP is dismissed.



(S.A.T. RIZVI)
Member (A)



(KULDIP SINGH)
Member (J)

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