

(Reserved)

**Central Administrative Tribunal
Allahabad Bench
Circuit Sitting at Nainital**

This the 13th day of February, 2020

**Hon'ble Ms. Ajanta Dayalan-AM
Hon'ble Mr. Rakesh Sagar Jain, JM**

Contempt Petition No. 171 of 2019

(Arising out of Original Application No. 18 of 2016)

Ajay Kumar S/o Shri Hari Charan aged about 33 years R/o 17
E C Road, Survey Colony, Q. No. T – 1-10 Dehradun

..... Applicant

**By Adv: Shri Tanvir Singh, brief holder of Shri Naman
Kamboj**

Versus

1. Surveyor General, Office of the Surveyor General of
India, Hathi Barkala, Dehradun.

..... Respondents

By Adv:

ORDER

Delivered by Hon'ble Ms. Ajanta Dayalan-A.M.

Shri Tanvir Singh, brief holder of Shri Naman Kamboj,
learned counsel for the petitioner is present.

2. Brief holder of learned counsel for the petitioner states
that this Contempt Petition has been filed as the order dated
11.10.2018 passed by this Tribunal in OA No. 18 of 2016
giving the following directions has not been complied with:

*" 15. In the circumstances, although it is not possible to
grant the relief of regularization of services of the applicant
for the reasons mentioned above, but taking into
consideration of the fact that the applicant was being
engaged for more than 15 years as a daily wage labourer*

*and in the interest of justice, the OA is disposed of with a direction to the respondents to continue to engage the applicant on the same terms and conditions, which were applicable to the applicant as on 24.02.2016 (the date of passing of the interim order), if there is a need to engage a casual labourer or if the respondents have engaged any fresh casual labourer after disengaging the applicant, as alleged in para 39 of the Rejoinder.
The OA is disposed of accordingly. No costs."*

3. He also states that the applicant has been disengaged from service despite the orders of the Tribunal. He further states that the Tribunal had also passed interim order dated 24.02.2016 directing the respondents to continue with the engagement of the applicant.

4. We observe that the order dated 11.10.2018 passed in OA No. 18 of 2016 was only conditional to the effect that the applicant should be allowed to continue to be engaged as casual labourer, if there was a need for engagement of casual labourer by the department or if the respondents engage any fresh casual labourer after disengagement of the applicant.

5. We also observe that the interim order dated 24.02.2016 was vacated by this Tribunal vide order dated 19.10.2016. This is as per the para 14 of the order dated 11.10.2018 passed in OA No. 18 of 2016 which reads as under:-

" 14. It is seen that the interim order dated 24.2.2016 was vacated vide order dated 19.10.2016, for which the applicant's counsel has filed a recall application which is pending. The interim protection allowed to the applicant vide order dated 24.02.2016 stated as under:-

".....Accordingly, I direct the respondents that if the applicant is working today as a Safai karamchari which is a post/job needed on regular basis the applicant be allowed to continue to work, in the same capacity as he has been working with the respondents since 2000, till the next date of listing....."

6. Brief holder of learned counsel for the petitioner has not been able to show anything to substantiate that there is a need for engagement of Safai Karamchari/casual labourer in the department or that any fresh casual labourer has been engaged after disengagement of the applicant.
7. Brief holder of learned counsel for the applicant seeks further time.
8. The case is, therefore, adjourned to 24.03.2020.

(Rakesh Sagar Jain)
Member-J

(Ajanta Dayalan)
Member-A

Arun...