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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 135/2003 in  
OA 1197/2001

New Delhi this the 1st day of August, 2003

**Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)**  
**Hon'ble Shri R.K. Upadhyaya, Member (A)**

1. Rajesh Kumar  
S/O Shri Magan Kishor,  
21/291, DMS Colony,  
Hari Nagar, New Delhi-64
  2. Anil Kumar,  
S/O Shri Heera Singh,  
33/469, DMS Colony,  
Hari Nagar, New Delhi-64
  3. Sanjay Kumar  
S/O Shri Zeete Singh,  
T-553/A, Baljit Nagar,  
Gali No.8, Delhi.
  4. Ravindra Singh,  
S/O Shri Rotash Singh Pal  
23/310, DMS Colony,  
Hari Nagar, New Delhi-110064
  5. Gulshan Lal,  
WZ/441, Madipur, Delhi.
  6. Sanjay Kumar,  
S/O Shri Mangal Dev Paswan,  
33/473, DMS Colony,  
Hari Nagar, New Delhi-64
  7. Devanand,  
S/O Shri Shakleshwar Ishwar,  
34/447, DMS Colony,  
Hari Nagar, New Delhi-64
  8. Sanjeev Kumar,  
S/O Shri Ganesh Lal Ram,  
2/22, DMS Colony,  
Hari Nagar, New Delhi-64
  9. Jai Mangal,  
S/O Shri Ram Bilas,  
WZ-9, New Mahavir Nagar,  
Gali No.18, New Delhi.
  10. Ajeet Singh,  
S/O Shri Mahinder Singh,  
603/A, Sector-3, R.K.Puram,  
New Delhi.
  11. Gulshan Kumar  
S/O Shri Mahinder Singh,  
603/A, Sector-3, R.K.Puram,  
New Delhi.
- B.

12. Dheeraj Anand,  
S/O Shri Subhas Anand,  
A-102/B, Mansa Ram Park,  
New Delhi-59
13. Arvind Kumar  
S/O Shri  
Vill Gandhar, Distt. Rohtak,  
Tahsil Sapla (Haryana )
14. Sanjay Kumar  
S/O Shri Ram Chander,  
Vill. Gandhar Distt., Rohtak,  
Tehsil Sapla (Haryana )
15. Bhagwan Yadav,  
S/O Shri Gudar Yadav,  
G-35, Kakrola Mode, New Delhi.
16. Ram Bali,  
S/O Shri Laxman Paswan,  
15/213, DMS Colony,  
Hari Nagar, New Delhi-64
17. Ravinder Kumar,  
S/O Shri Dhanesh Yadav,  
H-60, DMS Colony, Sadipur,  
New Delhi-8
18. Vijender Kumar,  
S/O Shri Zila Singh,  
T-553/A, Baljeet Nagar,  
Gali No.8, Delhi.
19. Anil Kumar,  
S/O Shri Rajender Prasad,  
A-64, Jeewan Park, Pankha Road,  
New Delhi-59
20. Dinesh Kumar  
S/O Shri Pal  
Putkala, Gram Sabha, 494, Sec-23,  
Rohini, Delhi.
21. Manoj Kumar,  
S/O Shri Lachi Ram,  
Vill & Post Chulina,  
Distt. Rohtak Sapla
22. Bhagat Singh,  
S/O Shri Balwan Singh,  
T-519, Baljeet Nagar,  
New Delhi-110008
23. Jaipal S/O Shri Dharam Chand,  
Vill Gandhar Distt. Rohtak,  
Tehsil Sapla (Haryana )
24. Dharmvir,  
S/O Shri Ram Chander,  
Vill & Post Ashoda,  
Tehsil Bahadur Gargh.

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25. Ramji Paswan,  
S/O Shri Durga Paswan,  
2/27, DMS Colony, Hari Nagar,  
New Delhi-64
26. Manoj Kumar,  
S/O Shri Raghuvir Singh,  
H.No.236, Village Singhola,  
P.O. Tikri, Khurd-Delhi-40
27. Umesh Kumar,  
S/O Shri Ram Vilas Sohani,  
A-502, Jawalapuri,  
Comp No.4, Paschim Vihar,  
New Delhi-85
28. Naveen Kumar,  
S/O Shri Ram Murthy,  
T-481/1, Baljeet Nagar,  
Patel Nagar, Delhi-8
29. Prahlad Singh,  
S/O Shri Roop Chand,  
21/291, DMS Colony,  
Hari Nagar, Delhi-64

..Petitioners

(By Advocate Shri S.M.Garg )

VERSUS

1. Shri D.K.Biswas,  
Secretary,  
Ministry of Agriculture,  
(Deptt. of Agriculture, Animal  
Husbandary and Dairying ),  
Krishi Bhawan, New Delhi.
2. Shri Tapesw Pawar,  
General Manager,  
Delhi Milk Scheme,  
Patel Nagar, New Delhi-8

..Respondents

( By Advocate Shri R.N. Singh )

O R D E R (ORAL)

**(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))**

We have heard both the learned counsel for the parties. Shri S.M.Garg, learned counsel has drawn our attention, in particular, to Paragraph 5 of Tribunal's order dated 20.11.2001 in OA 1197/2001. According to him, this Para. contains the findings of the Tribunal that "each one of the applicants has completed the requisite number of days so


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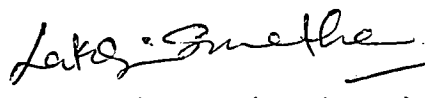
as to be transferred <sup>to</sup> ~~on~~ to the regular establishment of Mates". On the other hand, Shri R.N.Singh, learned counsel has submitted that this Para. was only the end of the submissions of the learned counsel for the applicants on the issues referred to in the judgement earlier and after that from Para 6 till Para 7, the contentions of the learned counsel for the respondents and findings of the Tribunal have been given, followed by the directions of the Tribunal contained in Para 8 of the Order. He has stressed on the fact that by Para 8 of the Order, a direction had been given to the respondents to transfer the services of the applicants to the regular establishment of Mates wholly in terms of the Standing Order and to grant them "all the consequential benefits in accordance with the said orders and the applicable instructions". Learned counsel for the respondents has, therefore, submitted that these being the directions of the Tribunal, <sup>they are</sup> ~~were~~ <sup>the</sup> ~~subject to~~ <sup>applicability of</sup> the relevant instructions on the subject. He has, therefore, relied on the order of this Tribunal dated 29.4.2003 in CP 151/2003 in which four of the applicants in the same OA had filed that CP. In Para 2 of that order in which one of us (Smt. Lakshmi Swaminthan, Vice Chairman (J) was also a Member, we have come to the ~~con~~ conclusion that looking into the directions of the Tribunal, we are unable to agree with the contentions of the learned counsel that there is any wilful or contumacious disobedience of the Tribunal's order.

2. We have read and re-read the aforesaid order of the Tribunal dated 20.11.2001. We find no good grounds to

differ from the findings in the Tribunal's order dated 29.4.2003 in CP 151/2003. We are unable to persuade ourselves to come to the conclusion that Para 5 of Tribunal's order dated 20.11.2001 is the conclusion or direction of the Tribunal that there is no manner of doubt that each one of the applicants has completed the requisite number of days so as to be transferred to the regular establishment of Mates. It is also relevant to note that only from Para 6 onwards the contentions of the learned counsel for the respondents have been noted by the Tribunal followed by the directions contained in Para 8 to give all consequential benefits to the applicants in accordance with the applicable Standing order and instructions. We are, therefore, unable to agree that in the context of the order of the Tribunal dated 29.4.2003, the respondents have committed any wilful or contumacious disobedience of the Tribunal's order to justify further proceedings against them under Section 17 of the Administrative Tribunals Act, 1985 read with the provisions of Section 12 of Contempt of Courts Act, 1971.

3. In the result, for the reasons given above, CP 135/2003 is dismissed. Notices issued to the alleged contemners are discharged. File be consigned to the record room. In the peculiar facts and circumstances of the case liberty is granted to the petitioners to proceed in the matter, <sup>as</sup> advised, in accordance with law.

  
( R.K.Upadhyaya )  
Member (A)

  
( Smt.Lakshmi Swaminathan )  
Vice Chairman (J)

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