



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. NO.219/2006

in

O.A. NO.2473/2001

This the 26th day of July, 2006

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

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

Amrit Lal S/O Dujal Lal,
Working as F.T. Mali-cum-Frash in
Patel Nagar Post Office, New Delhi
C/O Shri Sant Lal, Advocate,
CAT Bar Room, New Delhi.

... Applicant

(By Shri Sant Lal, Advocate)

versus

1. Ms. Jyotsana Diesh,
Secretary,
Ministry of Communication & I.T.
(Department of Post), Dak Bhawan,
New Delhi-110001.

2. Shri S. Samant,
Chief Post Master General,
Delhi Circle, Meghdoot Bhawan,
New Delhi-110001.

... Respondents

ORDER

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

Alleging deliberate and wilful disregard and non-compliance of Tribunal's directions contained in order dated 31.1.2002 in OA No.2473/2001, it has been sought that contempt proceedings be initiated against respondents.

2. The learned counsel of applicant contended that vide orders Annexure P-3 dated 22.3.2006 passed in pursuance of aforesaid orders of the Tribunal in combination with those of the Hon'ble High Court in W.P.(C) 2589/2002 and C.M. Nos.4479/2002, 4466/2003 dated 27.9.2005 in *Union of*



India v Amrit Lal & Another, respondents have denied grant of temporary status and regularization to applicant.

3. OA No.2473/2001 was allowed vide orders dated 31.1.2002 with the following directions:

“7. In the result the OA succeeds and is accordingly allowed. The respondents are directed to consider the grant of temporary status to the applicant in terms of the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1989, which has been declared an on-going scheme, in terms of the order of the Full Bench of the Tribunal in OA No.1146-HP-96, dated 3.10.2001. His regularization shall follow in turn, and in accordance with the terms of the Scheme. O.A. is disposed of in the above terms. No costs.”

4. After considering the decision in WP(C) No.6600/2002 titled *Union of India through Secretary, Department of Posts v Kanta Devi* decided on 13.10.2004, and the decision of the Hon'ble Supreme Court in *Union of India and Another v Mohan Pal and Others* [(2002) 4 SCC 573], the Hon'ble High Court in the Writ Petition filed against Tribunal's orders made the following observations/directions:

“Without entering into the controversy as to whether or not the respondent could be granted the temporary status and regularisation and without expressing any opinion thereon, we direct the petitioner to consider the case of the respondent for grant of temporary status and regularisation in accordance with the statutory rules and instructions and the relevant law laid down by the Supreme Court.”

5. From the above it is clear that the Hon'ble High Court directed consideration of applicant's case for grant of temporary status and regularization only in accordance with the statutory rules and instructions and the relevant law laid down by the Hon'ble Supreme Court. Respondents have vide their order dated 22.3.2006 decided applicant's claims in the negative on the basis of Hon'ble Supreme Court's decision in *Mohan Pal's* case. Respondents' view gets strengthened from the latest Constitutional Bench decision of the Hon'ble Supreme Court in *Secretary, State of Karnataka & Others v Umadevi & Others*

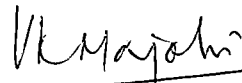
[(2006) 4 SCC 1]. In this case the issue of absorption, regularization, or permanent continuance of temporary, contractual, casual, daily-wage or *ad hoc* employees appointed/recruited and continued for long in public employment *de hors* the constitutional scheme of public employment, was considered in detail. Contentions made on behalf of respondents on the doctrine of legitimate expectation and right to life were also given due consideration. It was held that the employees could not establish a legal right to be made permanent. It was held that these appointments or engagements were made in the teeth of directions of the Government not to make such appointments and it is impermissible to recognize such appointments. It was also held that such employees are not legally entitled to any such relief and that granting of the relief would mean paying a premium for defiance and insubordination by those concerned who engaged these persons against the interdict in that behalf.

6. Having described the latest position of law and on perusal of the directions contained in the Hon'ble High Court's orders as also the orders passed by respondents, we do not find any force in the allegations in the contempt petition. In result, no contempt is made out and the Contempt Petition is accordingly dismissed in *limine*.



(Meera Chhibber)
Member (J)

/as/



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

26/7/02