

Central Administrative Tribunal
Principal Bench: New Delhi

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C.P. No. 21/2002 In
O.A. No. 1745/2001

This the 23rd day of May, 2002

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

All India CPWD (MRM) Karamchari
Sangathan (Regd.),
through its President,
Shri Satish Kumar,
34-D, D.I.Z. Area,
Sector-4, Raja Bazar,
New Delhi-110001.

2. Shri Maan Singh Meena,
S/o Shri Ramdhan Meena,
Beldar,
C/o All India CPWD (MRM) Karamchari
Sangathan (Regd.),
through its President,
34-D, D.I.Z. Area,
Sector-4, Raja Bazar,
New Delhi-110001.

-Applicants

(By Advocate: Ms. Shilpa Chohan, proxy for
Shri Naresh Kaushik)

Versus

1. Shri Krishan Kumar
The Director General (Works)
CPWD, Nirman Bhawan,
New Delhi-110001.

2. Shri A. Madhukar Reddy,
Director (Administration),
CPWD, Nirman Bhawan,
New Delhi-110001.

3. Shri P.K. Gupta,
Superintendeing Engineer,
Coordination Circle (Civil)
CPWD, I.P. Bhawan,
New Delhi-110002.

-Respondents

(By Advocate: Shri B.K. Berera)

ORDER (Oral)

Hon'ble Shri Shanker Raju, Member (J)

The applicants alleges wilful and contumacious
disobedience of this court's order dated 18.7.2001
wherein following directions have been issued:-

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"Having said that in our view it will be just and proper even without issuing a notice on the present OA to direct the respondents to decide the representations dated 8.5.2001 and 13.6.2001 (Annexure A-4 & A-5 respectively) of the applicants by a detailed reasoned and speaking order within a period of one month from communication of this order. We direct accordingly. No costs".

2. By referring to the representations made on 8.5.2001 as well as on 13.6.2001, it is contended in para-3 of the representation that respondents have been asked to keep the trade test in abeyance and all the candidates belonging to SC/ST/OBC categories may be allowed to submit their applications for trade test to the post of Work Assistant as well as they were requested to hold the trade test for one vacancy of ST candidate for applicant No.2 Shri Man Singh Meena. Learned counsel also refers to an observations made by the court in para-3 where it is contended that similarly placed personnel cannot be treated differently and while referring to earlier OA-1825/96, it is contended that a similar test was held by the respondents therein.

3. Learned counsel appearing for the respondents contended that present Association which is an application of the applicants is not recognised one. It is further contended that the trade test has already ^{been by} over in May, 2001. Further, in their reply it is stated that in pursuance of the directions of the court, the representation of the applicant was disposed of by an order dated 17.9.2001 and as a follow up action on the recommendation of Director General of Works, it has been decided to conduct trade test for one post of Work Assistant in ST quota under direct recruitment and

Notification has already been issued on 15.2.2002. In this view of the matter, it is contended that there is no wilful and contumacious disobedience on the part of the respondents.

4. We have carefully considered the submissions and perused the material available on record.

5. Having regard to the ratio of the Apex court in J.S. Parihar v. Ganpat Duggar & Ors., 1997 (1) SLJ 236 = JT 1996 (9) SC 611 held that cause of action which arises in implementation of the directions of the court cannot be gone into. We are satisfied that there is no wilful disobedience on the part of the respondents as the representation of the applicant was considered and disposed of by an order dated 17.9.2001 and the respondents have also initiated the process of holding the trade test for one post of Work Assistant in ST quota. In the event, applicants are aggrieved by any decision of the respondents, it will be open for them to seek the remedy in accordance with law in a separate proceeding.

6. Accordingly, for the reasons recorded above, CP is dropped. Notice issued to the respondents are discharged. No costs.

S. Raju

(Shanker Raju)
Member (J)

V.K. Majotra

(V.K. Majotra)
Member (A)

cc.