

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

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CP 421/2002  
MA 325/2002  
OA 1746/2001

New Delhi this the 15th day of October, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri Sarveshwar Jha, Member (A)

1. All India CPWD (MRM) Karamchari Sangathan (Regd.) through its President Shri Satish Kumar, 4823, Balbir Nagar Extn., Shahdara, Delhi-110032
  2. Arun Singh S/O Baishak Singh MLD (MR)
  3. Smt. Shakuntala Devi W/O Arjun Dev, Beldar (MR)
  4. Smt. Lajjo Devi W/O late Shri Balbir Singh, Beldar (MR)
  5. Darshan Singh S/O Santosh Singh, Mali (MR)
  6. Charan S/O Chuttan Singh, MLD (MR)
  7. Rajinder Kumar S/O Shri Puran Mal Bhargava, MLD (MR)
  8. Smt. Angoori Devi W/O late Shri Ravi Kishan, Beldar (MR)
  9. Jasbir Singh S/O Sh. Ajeet Singh, MLD (MR)
  10. Kandaswami S/O Sh. Kaliappan, Beldar
  11. Chatter Singh S/O Umrao Singh, Beldar (MR)
- (All C/O All India CPWD (MRM) Karamchari Sangathan (Regd.), through its President, Shri Satish Kumar, 4823, Balbir Nagar Extn., Shahdara, Delhi-110032 )

.. Applicants

(By Advocate Ms. Shilpa Chauhan proxy  
for Shri Naresh Kaushik )

VERSUS

1. Shri M. Shankar,  
The Secretary, Union of India,  
Ministry of Urban Affairs and  
Employment, Nirman Bhawan, New Delhi.

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2. Shri J.N.Bhawani Prasad,  
The Director General of Works,  
C.P.W.D., Nirman Bhawan,  
New Delhi-110001

.. Respondents

(By Advocate Shri D.S.Mahendru )

ORDER (ORAL)

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

Heard learned counsel for both the parties in CP 421/2002. In pursuance of the directions of the Tribunal in the previous order dated 14.7.2003, the alleged contemner/respondent No.2 has filed an additional affidavit on behalf of the respondents dated 8.8.2003. That respondent has tendered his unconditional apology for the delay in filing the affidavit. Shri D.S.Mahendru, learned counsel for the respondents has taken us through this affidavit.

2. In this connection, it is relevant to note that Tribunal's order dated 18.7.2001 in OA 1746/2001 has been pronounced at the initial stage without issuing notices to the respondents to extend certain benefits to the applicants herein, as contained in that order. Ms. Shilpa Chauhan, learned proxy counsel for the petitioners has very vehemently submitted that the respondents had failed to regularise some of the applicants against clear vacancies of Plumbers, Beldars and Khallasies as the case may be from 1992 onwards as and when those vacancies arose. Her contention is that the respondents cannot take shelter on a later order issued by the respondents dated 7.5.2002, abolishing some of these posts and thereby denying the applicants the benefits as are required to be given to them at the relevant time even prior to the Tribunal's order dated 18.7.2001. She

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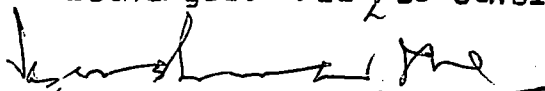
has emphasized that there were vacancies in various categories lying vacant from 1992 onwards against which they could have been regularised, which the respondents have failed to do.

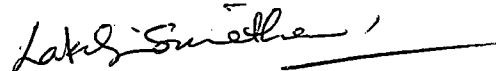
3. After carefully considering the facts and submissions of the learned counsel for the parties, including note of the facts mentioned in the additional affidavit filed by respondent No.2, referred to above, we are satisfied that there is no wilful or contumacious disobedience of the Tribunal's order so as to justify punishing the alleged contemner under the provisions of Section 17 of the Administrative Tribunals Act, 1985 read with the provisions of the Contempt of Courts Act, 1971. We say so because the learned counsel for the petitioners raises a number of contentious facts on which sufficient documents are not available on record and that too in the Contempt Petition. It is settled law where more than one view is possible in a case the Courts/Tribunal should not take <sup>a B</sup> hyper-technical view of the matter or pass further directions in Contempt Petition. No doubt, the primary concern of the Courts/<sup>the B</sup> Tribunal is to uphold <sup>the B</sup> Majesty of Law and to ensure that Courts/Tribunals directions are fully complied with. However, in the present case, noting the fact that the aforesaid order of the Tribunal dated 18.7.2001 has been passed even without issuing notices to the respondents, some of the relevant facts have now come on record by way of ~~an~~ affidavit/additional affidavits filed by the respondents. We are of the considered view that there is no justification in continuing with the Contempt Petition.

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As mentioned above the petitioners' counsel raises a number of contentious factual <sup>issues</sup> ~~facts~~ which are matters for adjudication in other proper proceedings, if they so desire.

4. With the above observations, CP 421/2003 is dismissed. Notices issued to the alleged contemnners are discharged. File <sup>to be</sup> be consigned to the record room.

  
( Sarveshwar Jha )  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)

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