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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 433/2002 in
OA No. 1050/2001

New Delhi this the 13th day of May, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.K.Agrawal, Member (A)

Shri Dinesh Chander,
S/O Shi Devi Datt,
R/O K-222, Narden Camp
Lal Kuan, M.B.Road, Delhi.

(By Advocate Shri A.K.Bhat) .. Petitioner

VERSUS

1. Shri Kishan Kumar,
Director General (Works)
C.P.W.D., Nirman Bhawan,
New Delhi.
2. Sh.Prabhash Singh,
Chief Engineer, PWD Zone-III,
NCT of Delhi, MSO Building,
Indraprastha Estate, New Delhi.
3. Shri V.K.Jaiswal,
Superintending Engineer,
PWD, Circle No.1, ISBT, Kashmiri
Gate, Delhi.
4. Shri G.S.Jain,
Executive Engineer,
PWD Division 15 (NCTD),
Under ISBT Bridge, Kashmiri Gate,
Delhi.

Respondents

(By Advocate Shri R.N.Singh, learned
counsel through proxy counsel Shri
R.V.Sinha)

O R D E R (ORAL)

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

We have heard both the learned counsel in CP 433/2002
in OA 1050/2001.

2. Review Application (RA) 78/2003 filed by the
respondents in the aforesaid OA was dismissed by Tribunal's
order dated 24.3.2003.

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3. In CP 433/2002, the respondents have filed two annexures (Annexures R 1 and R 2). We have perused in detail Office Order dated 10.1.2003 (Annexure R 1). Shri A.K.Bhat, learned counsel for the petitioner submits that nowhere in the OA, the respondents have ever mentioned that S/Shri Hari Sharan and Shri Shadi Ram, whose names were mentioned in the order dated 31.1.2002, belong to the reserved category, which fact has now been mentioned in Paragraph 6 in their Office order dated 10.1.2003. He has also contended that it makes no difference whether they are working as Beldars, like the petitioner or they were initially appointed as Plumbers and were regularised, according to the respondents, to fill up backlog in the recruitment quota. Learned counsel for the petitioner further submits that there is no difference between Plumbers and Beldars which has also been held by the Court in Paragraphs 2 and 3, as these persons were termed as "identically placed", and that the respondents have wilfully disobeyed the Tribunal's order dated 31.1.2002.

4. The directions of the Tribunal are contained in Paragraph 4 of the order which read as follows:-

" In view of the above, the OA succeeds and is allowed with the directions to the respondents to consider the case of regularisation of the applicant in accordance with law w.e.f. 24.10.1986 i.e. the date on which S/Shri Hari Sharan and Shadi Ram who joined CPWD as Casual Workers after him were regularised. No costs ".

5. We see force in the submissions made by Shri R.V.Sinha, learned proxy counsel that consideration of
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regularisation of the applicant as Beldar has to be done in accordance with law w.e.f. 24.10.1986 when the other two persons who joined in CPWD as Casual Workers were regularised. From the facts mentioned above it appears that while the applicant belongs to the general category, the other two workers belong to the reserved category and they also belong to a different cadre, namely, Plumber. It is not the contention of the petitioner that these two workers and petitioner have a common seniority list. Further, we note from the Office Order dated 10.1.2003 that the respondents have themselves stated that the regularisation of the services of the applicant in the above OA would be done in his turn as and when the required vacancy arises, subject to fulfilling the conditions under the rules in force, which can also be termed as in accordance with law as directed by the Tribunal. In this view of the matter, we are unable to agree with the contentions of Shri A.K.Bhat, learned counsel for the petitioner that there is any wilful or contumacious disobedience on the part of the respondents in complying with the aforesaid order of the Tribunal, justifying further action to be taken against the alleged contemners under Section 17 of the Administrative Tribunals Act, 1985, read with the provisions of Contempt of the Courts Act, 1971.

6. In the result, for the reasons given above, CP 433/2002 is dismissed. Notices issued to the alleged

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contemners are discharged. File is consigned to the record room. However, noting the factual submissions made by the learned counsel for the petitioner, liberty is granted to the petitioner to proceed in the matter, as advised in accordance with law.

Das
(S.K.Agrawal)
Member(A)

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Lakshmi
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)