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Central Administrative Tribunal, Principal Bench

Contempt Petition No.40 of 2002 in
Original Application No.3216 of 2001

New Delhi, this the 14th day of March, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Udai Raj S/o Shri Sant Ram
R/o S-221/11, Rahul Gandhi Camp
Air India Colony, Basant Vihar,
New Delhi

- Applicant

(By Advocate: Shri U. Srivastava)

Versus

1. Shri Sundar Pal Gaur
Director, Navodaya Vidyalaya Samiti
Indira Gandhi Stadium,
New Delhi

2. Shri B.K. Sharma
Dy. Director, Navodaya Vidyalaya Samiti
Indira Gandhi Stadium,
New Delhi

- Respondents

(By Advocate: Shri S. Rajappa)

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member (A)

By an order passed on 29.11.2001 in OA No.3216/2001, the respondent authority was directed to treat the aforesaid OA as the applicant's representation and to consider his reinstatement forthwith and also his request for grant of temporary status in terms of the Scheme at Annexure A-9 by passing a reasoned and speaking order within a period of one month. Applicant's case is that the respondents have failed to comply with the aforesaid orders. According to him, the order dated 31.1.2002 passed by the respondents, has not considered the applicant's case for reinstatement properly.

2. We have considered the submissions made by the learned counsel on either side and have perused the

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aforesaid order dated 31.1.2002. The direction given on 29.11.2001 was to consider the applicant's claim for reinstatement and not to reinstate him forthwith. From the aforesaid order of 31.1.2002, it would appear that the Office of Navodaya Vidyalaya Samiti (in short 'NVS') where the applicant was employed, was shifted to IGI Stadium and since the authorities of the said ~~premises~~^{Stadium} were themselves maintaining the lawns and greenery/plants, there was no need on the part of the NVS to engage working hands to serve as Mali. As such, the applicant's services had already been dispensed with on 11.7.2001, that is, much before the aforesaid order was passed by the Tribunal on 29.11.2001. Thus it is clear to us that the matter regarding his reinstatement had already received due consideration and the services of the applicant were dispensed with on the aforesaid ground.

3. The second part of the order dated 29.11.2001 relates to consideration of the applicant's claim for the grant of temporary status. This too has been considered and for the reasons mentioned in the order dated 31.1.2002, the said claim has been rejected.

4. The learned counsel appearing on behalf of the applicant has placed before us copy of an office order dated 18.1.2002 showing that two persons namely S/Shri Santosh Kumar and Mange Ram have been engaged as casual workers for performing multifarious duties at the residence office of HRM/Chairman, NVS. According to him, the applicant was also engaged for performing ~~the~~ similar

duties vide office order dated 15.6.2001 and, therefore, his claim for engagement as casual worker for performing multifarious duties should have received consideration at the hands of the respondents. Without producing any supporting document or evidence, the learned counsel appearing on behalf of the applicant submits that the aforesaid persons are junior to the applicant and, therefore, the applicant should have been preferred over them in the ^{matter of} engagement of casual workers.

5. We have considered the submission and find that there is no order ^{of} this Tribunal to re-engage the applicant in preference over freshers/juniors and in this view of the matter, the respondents could go ahead and appoint others even if junior to perform casual work. Further, in the absence of no evidence, no case is made out in support of the learned counsel's contention that the aforesaid persons were actually junior to the applicant. There could be other considerations as well ^{besides seniority} which might have ^{weighed with} ~~been taken into~~ the respondent authority at the time of engaging the aforesaid persons and their ^{decision} ~~permission~~ in this regard cannot be questioned merely because the applicant's case has not been considered. Moreover the casual employment given to the aforesaid persons is at a different place altogether.

6. For the foregoing reasons, we conclude that the order passed by the respondents on 31.1.2002 in compliance of this Tribunal's order dated 29.11.2001 is in order and there is no whisper of wilful or contumacious

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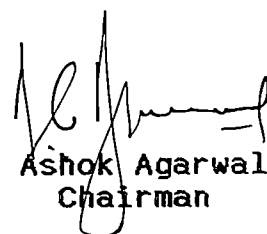
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disobedience of the Tribunal's order. Present contempt petition, therefore, cannot survive. The same is dismissed. Notices issued are discharged.

7. It goes without saying that if the applicant feels that a fresh cause of action has arisen in view of the order passed by the respondents on 31.1.2002, he will be at liberty to approach the Tribunal, if so advised and in accordance with legal provisions.



(S.A.T. Rizvi)
Member (A)



(Ashok Agarwal)
Chairman

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