

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. NO.41 of 2004
IN
O.A. NO.2560 of 2001

New Delhi, this the 25th day of November, 2004

**HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI SARWESHWAR JHA, MEMBER (A)**

1. Parmod Kumar Shrama
S/o Shri Prasadi Lal Sharma
Gangman
Under Section Engineer (P.Way) Mehidpur Road, Kota.
2. Ashok Kumar Khere
S/o Shri Krishan Kumar Khere
Gangman
Under CPWI, MEP Kota.
3. Chander Shekher Khere
S/o Shri Kapil Kant Khere.
Gangman
Under CPWI, MEP Kota.
4. Sibboo Lal Saini
S/o Shri Padam Singh Saini
Gangman
Under CPWI Vickram Garh ALUL Kota.
5. Laxmi Narain Saini
S/o Shri Padam Singh Saini
Gangman,
Senior Sec. Eng. (P.Way), Bhawani Mandi,
Kota.
6. Murari Lal Saini
s/o Shri (Late) Sukh Ji,
Gangman.
Senior Sec. Eng. (P.Way), Bhawani Mandi,
Kota.
7. Tajesh Bhatnagar
S/o Shri Ramesh Chand Bhatnagar,
CPWI, Shamgarh,
Kota.

....Applicants.

(By Advocate : Shri B.S.Mainee)

versus

Union of India & through

2. Shri K.K. Agarwal,
General Manager,
Western Railway,
Church Gate, Mumbai.
2. Shri I.C. Sharma,
Divisional Railway Manager,
Western Railway, Kota, (Rajasthan).
.....Respondents.

(By Advocate : Shri H.K. Gangwani with Shri Rajender Khatter)

ORDER (ORAL)

SHRI SHANKER RAJU, MEMBER (J) :

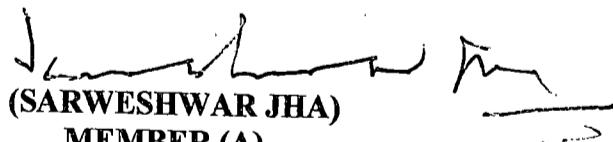
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Learned counsel heard.

2. In pursuance of the order passed on 14.8.2002 in OA 2560/2001 whereby directions have been issued to the respondents to review the cases of the applicants for accord of temporary status, attendant benefits, as well as for regularisation as Helpers to TCs in accordance with the rules and instructions and subject to their eligibility and fitness and in the event, if the similar situated VTCs are accorded the same, the similar treatment would be meted out to the applicants, an order was passed on 30.12.2002 by the respondents whereby stating that no infirmity in the regularisation of the applicants on Group 'D' post as Gangman and no change is required. The said order was assailed in the earlier Contempt Petition and the same was disposed of by giving one more opportunity to the respondents to pass necessary supplementary order. Accordingly, the respondents have passed the supplementary order on 8.9.2003 as well, which is assailed in the present Contempt Petition on the ground that the grounds raised in the OA by the respondents have been rejected by the Tribunal while deciding the OA and the same grounds have been taken by the respondents to reject the claim of the applicants.

3. It is trite law that in a Contempt Petition, a fresh cause of action and contentious matters cannot be gone into and the remedy is by way of original proceedings to assail the same.

4. In view of the above, CP is disposed of. Notices are discharged. Liberty is accorded to the applicants to assail the same in a fresh proceeding, if so advised.


(SARWESHWAR JHA)
MEMBER (A)


(SHANKER RAJU)
MEMBER (J)

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