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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP No.95/2004 IN
OA No.2943/2001

New Delhi this the 21st September, 2004

HON'BLE SHRI JUSTICE M.A.KHAN, VICE-CHAIRMAN(J)
HON'BLE SHRI S.A.SINGH, MEMBER(A)

1. Uttam Paswan,
S/o Shri Jungoor Paswan,
2. Ashok Kumar,
S/o Sh.Prem Chand.
3. Pool Singh,
S/o Sh.Preet Ram.
4. Anil Kumar,
S/o Sh.Jai Prakash
5. Ved Prakash,
S/o Sh.Fateh Chand
6. Tuk Lal,
S/o Sh.Budhi Bahadur.

.. Applicants

(All resident of 548 Surrender Colony Gali No.10,
Jharoda Mazara, Delhi-110009.)
(By Advocate: Shri Sachin Chauhan)

Versus

1. Shri N.N.Khanna (Secretary),
Union of India,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. Shri K.N.Aggarwal,
Director General of Works,
C.P.W.D.,
Nirman Bhawan,
New Delhi.
3. Shri A.J.Arora,
Supdt. Engineer,
C.P.W.D.,
R.K.Puram,
New Delhi.

...Respondents

(By Advocate: Shri D.S.Mahendru)

ORDER(ORAL)

By Mr.Justice M.A.Khan

The applicants who are working as muster-roll employees with the
respondents filed OA 2943/2001 seeking regularization of their services with all

consequential benefits and back wages, etc. This Tribunal disposed of this OA by passing the following orders:

"Thus, I find that it is a fit case that respondents be given directions to regularize these applicants in accordance with rules and instructions. Accordingly, OA is allowed to the extent that the respondents shall consider all other applicants for being regularized subject to availability of work. As per the case of Harish Chand, applicant no.1, is concerned, the same is dismissed."

2. The applicants have now filed this contempt petition complaining that aforementioned directions of this Tribunal have not been complied with, so proceedings for contempt of the court be initiated against the respondents. The respondents have filed a reply to the show-cause notice along with copies of the orders passed by the respondents on 31.8.2004. These orders have been made by the respondents in compliance with the directions of this Tribunal. Relevant extract of the order concerning applicant no.1 Uttam Paswan is produced below. Other orders are identical except the portion of the applicants in the seniority list differs:

"The C.A.T., Pr.Bench, New Delhi vide its order dated 01.5.2003 in above OA had directed the respondent as under:-

"The respondents be given directions to regularize these applicants in accordance with rules and instructions for regularizations, subject to availability of work."

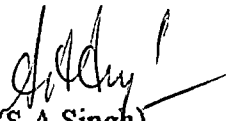
In compliance of the Hon'ble C.A.T.'s judgement dated 01.5.2003 in OA No.2943/2001, case of applicant for regularisation was considered in terms and conditions as laid down in recruitment rules, but his services cannot be regularized due to ban on direct recruitment. Regularisation of services of the applicant in above OA would be considered as and when his turn matures [Sl. No.10 in seniority list of Beldars {H/R} engaged after ban i.e. 19.11.85} and requisite vacancy may occur subject to lifting of ban on direct recruitment provided he fulfills all the requirements of recruitment rules. However, no time frame in this regard can be anticipated at this stage as there are nine candidates who were engaged prior to the applicant who are on the waiting list and are awaiting their turn for regularisation...

S.No.	Name	Father's Name s/Shri	Designation	Office to which attached
1.	Sh.Uttam Paswan	Sh.Jhungoor Paswan	Beldar	PWD-Divn.15

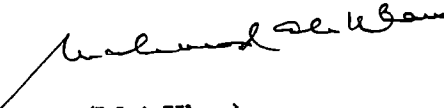
These orders show that applicant no.1 Mr.Uttam Paswan Kumar is at Sl.No. 10, applicant no.2 Ashok Kumar is at Sl.No.13, applicant no. 3 Phool Singh is at Sl No.55, applicant no.4 Anil Kumar is at Sl.No.9, applicant no.5 Ved Prakash is at Sl.No. 11, applicant no.6 Tuk Lal is at Sl.No.12 in the seniority list. It is stated that the applicants have a

combined seniority list and their case for regularisation will be considered as and when their turn matures. The respondents have also given firm commitment that they will regularize the services of the applicants subject to availability of vacancies.

3. However, the learned counsel for the applicants strenuously argued that this order is no compliance with the directions given by this Tribunal. He also submitted that some persons junior to the applicants have already been regularized. He further submitted that the order dated 31.8.2004 for regularization of their services is also uncertain as there is no time fixed for their regularization. This Tribunal in the present proceedings is required to consider whether the respondents have not complied with the directions given in the OA and they are guilty of the contempt of this court, the proceedings for contempt of court be initiated against them and they be punished in accordance with law. The directions of the Tribunal were that the applicants' services shall be regularized "subject to availability of work", i.e. if the work is adequate to absorb these persons on regular basis. Counsel for applicants has conceded that if the applicant are aggrieved by the combined seniority list, they may seek their remedy in some other proceedings in accordance with law. We agree. In view of the material placed on record it cannot be stated that the respondents have not complied with the directions of this Tribunal dated 1.5.2003. We do not find it a fit case to proceed with the matter any further. Accordingly the notices are discharged and the contempt petition is dismissed.


(S.A. Singh)
Member (A)

/kdr/


(M.A. Khan)
Vice-Chairman (J)