

Central Administrative Tribunal  
Principal Bench: New Delhi

✓ CP-373/99 ✓  
✓ (OA No. 2689/96)

New Delhi this the 2nd day of February, 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)  
Hon'ble Mrs. Shanta Shastri, Member (A)

Shri Amar Singh  
S/o Shri Faran Singh  
R/o C-4, LNJP Hospital,  
New Delhi.

Shri Vinod Kumar  
S/o Shri Hari Prasad  
R/o 172, Andrews Ganj,  
Road No. 4, New Delhi.

..Applicants

(By Advocate: Shri Surinder Singh)

Versus

Union of India through

The Medical Superintendent,  
G.B. Pant Hospital,  
New Delhi-110 002.

..Respondent

(By Advocate: Shri Vijay Pandita)

ORDER (Oral)

By Reddy, J.-

This application is filed for implementation of the judgment of the Tribunal in OA No. 2689/96 dated 25.9.97. A direction was given to consider the case of the applicants in preference to outsiders and those with overall lesser length of past service whenever future vacancies of casual labourer arise. It is the case of the applicants that several vacancies have arisen and the respondents have also appointed other people in the vacancies ignoring the claim of the applicants and violating the order of the Court.

CAA

2. In the counter, respondents submit that as no vacancies of casual labourer arose the applicants could not be considered and it is also stated that there is a ban on engagement of casual labourers. It is further stated that if the applicants apply for a regular post, they can be considered for the post of Safai Karamchari & Nursing Orderlies which are regular posts. It is also submitted that the respondents have sent intimation to the applicants to work during the strike period but they have not responded.

3. In view of the plea taken by the applicants that respondents had violated the order of the Court, we have converted the OA suo moto into Contempt Petition and notice issued to the respondents. The respondents in response to the notice filed the counter to the C.P. In the counter it is also stated that the respondents had not violated the order as there were no vacancies for the post of Casual Labourer.

4. As it is stated that the posts of Safaikaramchari and Nursing Orderlies are regular posts and as there is only a direction by the court that the applicant should be considered for the post of Casual Labourer, the respondents have not considered the case of the applicants in the vacancies that arose in those posts. The plea that others have been appointed as Casual Labourer appears to be not correct. They were considered

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13

only against the regular vacancies of Safaikaramchari and Nursing Orderlies in response to their applications to those posts.

5. In the circumstances, it cannot be said that there is any violation of the order of the Tribunal.

6. It is, however, open to the applicants to make applications whenever the regular posts are advertised and the respondents should consider their applications in accordance with rules. It is, however, made clear that as and when any vacancy arises in the post of Casual Labourer the applicant<sup>A</sup> should be considered without preference to any ban by the Government on the appointment of the Casual Labourer.

7. C.P. <sup>W/O (A) is</sup> ~~case~~ disposed of. Notice issued to the alleged contemner is <sup>dis-</sup> charged.

*Shanta*  
(Mrs. Shanta Shastry)  
Member (A)

*V. Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice-Chairman (J)

cc.)