

Central Administrative Tribunal Principal Bench

C.P. No. 428 of 2000

in

O.A. No. 2066 of 1999

New Delhi, dated this the 2nd February, 2001.

HON'BLE MR. V.K. MAJOTRA, MEMBER(A)  
HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Shri Brij Mohan  
S/o Shri Ram Ratan  
R/o Block 59/105  
Panchkuin Road  
R.K. Ashram Marg,  
New Delhi-110001.
2. Shri Radhey Shyam  
S/o late Shri Om Prakash  
R/o F-164, DS Qrs.  
Idgah Road, Delhi-110006.

...Petitioners

(By Advocate: None)

Versus

1. Shri Ashok Joshi,  
Secretary,  
Ministry of Surface Transport  
Transport Bhavan  
Parliament Street  
New Delhi-1.
2. Shri M. Pran Kochandi,  
Chief Controller of Accounts  
Ministry of Surface Transport  
IDA Building, Jamnagar House  
New Delhi.

.. Respondents

(By Advocate: Mrs. P.K. Gupta)

ORDER (Oral)

By Shri V.K. Majotra, Member(A).

As none appeared on behalf of the petitioner we proceed to dispose of this CP under Rule 15 of the CAT (Procedure) Rules, 1987 after going through the pleadings and hearing the learned counsel for the respondents.

2. OA 2066/99 was disposed of by its order dated 5th October, 1999 with the following observations/directions:-

"It is noted from para 8 of the OA that the main direction which has been sought for from the respondents is that the applicants may be given preference to juniors and outsiders for

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re-engagement. In the facts and circumstances of the case, provided there is work of a casual nature which the applicants can discharge, the respondents should give the applicants preference over juniors and outsiders, in case they take a decision to engage casual labourers, subject to their fulfilling the provisions of law, rules and instructions for such re-engagement.

The respondents shall also consider the cases of the applicants and in case they fulfil the requirements of the relevant Rules and instructions, including the DOPT OM dated 10.9.93, they shall take immediate future action in respect of granting temporary status and other benefits to them."

3. Applicant has stated that though the work is available with the respondents instead of re-engaging the applicant, respondents have engaged S/Shri Shiv Prasad, Vijender, Sanjay Kumar, Rupinder and Vinay w.e.f. 1.9.2000 and another Shri Ram Kumar w.e.f. 10.11.2000 through the contractor, namely, Shri Ghanshyam Singh. @ Rs.2200/- per month. Learned counsel for the respondents maintained that none of these persons mentioned above have been engaged by the respondents through Contractor. The learned counsel of the applicant had stated on 23.1.2001 that he would be filing proof within a week's time to prove engagement of Shri Ram Kumar w.e.f. 10.11.2000 by the respondents through the contractor Shri Ghanshyam Singh. The applicant has yet not <sup>Addressed by</sup> ~~advanced~~ the same. The learned counsel of the respondents stated that as and when work of casual nature which the applicants can discharge is available with the respondents, they would engage applicant in preference to juniors and outsiders.

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4. Having regard to the above reasons and discussions, we are of the view that no case has been made out under the provisions of the Contempt of Courts Act against the respondents. Notices against the respondents are discharged and C.P. is consigned to record. No costs.

S. Raju

(Shanker Raju)  
Member (J)

/kedar/

V.K. Majotra

(V.K. Majotra)  
Member(A)