

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 183/1998
in
O.A. NO. 1167/1994

New Delhi this the 27th day of July, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

1. Ashok Kumar S/O Rama Nand,
R/O Vill. & PO Gari Har Saru,
Distt. Gurgaon.
2. H. B. Rai S/O M. S. Rai,
R/O 215, Lodhi Road Complex,
New Delhi-110003.
3. Ms. Meenakshi Sharma D/O M. R. Sharma,
R/O B-2681, Netaji Nagar,
New Delhi-23.
4. Pratap Kohli S/O Ghanshyam Dass,
R/O T-686/1, Bhola Nagar,
Kotla Mubarakpur,
New Delhi-110003.
5. Surender S/O Hazari Lal,
R/O Vill. Dabar Khera,
New Delhi-73.
6. Jitender Kumar S/O Mahinder Kumar,
R/O 17/3724, Karol Bagh,
Regar Pura,
New Delhi-110005.
7. Vinod Kumar S/O Om Prakash,
R/O 17/3700, Karol Bagh,
Regar Pura,
New Delhi-110005.

... Applicants

(By Shri S. K. Gupta, Advocate)

-Versus-

Shri B. P. Singh,
Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

... Respondent

Shri (By Shri V. S. R. Krishna, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

Heard the learned counsel for the parties.

2. In OA No. 1167/94 decided on 1.4.1997, the following directions were made :

"In view of their long career as daily wage workers, we are inclined to grant this limited relief on an equitable ground. This has become necessary since no definite Scheme has been shown to us by which these applicants would be covered and at the same time, it is a fact that they have been working for quite a long time as described above, they could be given preference to any fresh appointment of casual labour in the Ministry of Home Affairs in any other attached/subordinate offices under the same Ministry or in any Ministry under the Government of India in their offices at Delhi. We find a similar order at page-60 of the O.A. by which the respondents themselves seems to have circulated the names of similar employees who have been working for a long period on ad hoc basis, as casual labourers and it was directed to be circulated among all the Ministries of the Secretariat including attached/subordinate offices of the Ministries. We see no reason why a similar direction shall not be issued in this case as well."

3. The Tribunal thereafter observed :

"We make it clear that our orders do not compel the respondents for retention of the applicants if they are not required otherwise and our direction would not also be treated that they are entitled to payment till they are duly considered for further employment/regularisation/absorption. We further make it clear that the respondents shall consider their cases not alongwith fresh entrants for absorption/regularisation in Group-D post but they shall consider them as a special class and consider them against available vacancies as and when they arise after relaxing their age requirement as well

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as relaxing the requirement of coming through the Employment Exchange. They shall also be given preference over outsiders and freshers. The respondents shall consider their candidature only as and when requirement arises in the Ministry of Home Affairs, including its subordinate/attached offices."

4. It further appears that there was a review application No. 144/97 which was disposed of by the following order :

"This RA has been filed for correction of small clerical mistake crept in our orders dated 1st April, 1997 passed in OA No. 1167/94. The petitioners were belonging to Group 'C' & 'D' posts but by our order dated 1.4.1997 inadvertantly a direction was given to the respondents to consider their cases for absorption/regularisation in Group-'D' posts. Hence, this corrigendum is necessary in the interest of justice. In the penultimate para instead of words "We further make it clear that the respondents shall consider their cases not alongwith fresh entrants for absorption/regularisation in Group-D post but they shall consider them.....", the following words may be replaced:

"We further make it clear that the respondents shall consider their cases not alongwith fresh entrants for absorption/regularisation in Group-D or Group-C, whichever is applicable, but they shall consider them....."

5. The applicant thereafter filed CP No. 2/98. That CP was disposed of after recording the submissions made on behalf of the respondents with liberty to the applicant to approach this Tribunal, if there was any violation of the order passed by the Tribunal. The last two paragraphs of order dated 19.1.1998 in CP No. 2/98 read as follows :

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"Counsel for the respondents also submitted that the cases of the petitioners wherever applicable, whether group 'C' or group 'D' will be considered according to their past service and the same would be done preferably within the next three months.

In view of the statement, this Contempt Petition is dropped and notices discharged giving liberty to the petitioners to approach this court in case if any violation of our order as and when takes place."

6. The present contempt petition was thereafter filed complaining of non-compliance. The respondents have filed counter submitting that the orders and directions have been complied with.

7. The learned counsel for the applicants did not dispute that in so far as applicants Fakir Chand Bisht and Jitender Kumar were concerned, the directions were carried out. In so far as the other applicants are concerned, the respondents have still to consider their cases.

8. After going through the reply filed and after hearing the learned counsel, we are of the view that the only direction was for considering the cases of the applicants for group 'C' or group 'D' posts. As per the order only preference was to be given to the applicants while making fresh appointments. The order did not compel the respondents either to retain the applicants or to pay them their salaries during the period of unemployment.

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9. It appears that looking to the vacancy position only two out of the ten applicants could secure employment. Only because other applicants have not been provided employment, it cannot be said that the directions have not been carried out. There is also the statement for and on behalf of the respondents that if and when vacancy position improves, the other applicants may also be considered for appointment against group 'D' posts.

10. For the aforesaid reasons, we find no case to continue with these proceedings. Accordingly, they are hereby dropped. Rule nisi, if any, shall stand discharged.

JK

(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/