

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

CP 189/98 in OA 2334/94

New Delhi, this the 4<sup>th</sup> day of February, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)  
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

Kanwar Pal Singh  
s/o Shri Harsaran Singh,  
Vill Simbholi, Mohalla Railway Road,  
Simbholi, Ghaziabad. ....Petitioner

(By Advocate: Shri H.K. Gangwani)

Versus

Union of India and others through

1. Shri S.P. Mehta,  
General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. Shri P.C. Sharma,  
Divisional Railway Manager,  
Northern Railway,  
Moradabad.
3. Shri Arvind Srivastava,  
Chief Engineer (Construction)  
Northern Railway, Kashmiri Gate,  
New Delhi.
4. Shri D.S. Garg,  
The A.E.N.  
Northern Railway Hapur,  
Uttar Pradesh.
5. Shri Arvind Kumar,  
Divisional Engineer (Electric)  
Northern Railway, Moradabad  
Uttar Pradesh .... Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R

delivered by Hon'ble Shri T.N. Bhat, Member (J):

The petitioner herein alleges that the respondents have disobeyed the orders of the Tribunal dated 4.4.1995 passed in OA 2334/94. The direction to the respondents in that order was to engage the applicant in his own turn as and when a vacancy arises in preference to

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juniors and freshers/ outsiders. The applicant was working as a casual labour with the Railways and his contention is that despite a direction by the Tribunal the respondents have failed to re-engage the applicant and have thus committed contempt.

2. The respondents have taken the plea that the applicant's name already exists on the Live Casual Labour Register but that since the total number of working days put in by him is only 282 he has been placed at serial no. 48 in the seniority list under IOW Gajraula sub unit and at serial no. 1632 in the Muradabad Division. Respondents have further emphatically denied that any of the applicant's juniors have been engaged. Respondents seem to have sent a written reply to the applicant in the month of June, 1995 explaining the above position and a copy of the said reply has been annexed to the reply affidavit as annexure R-I.

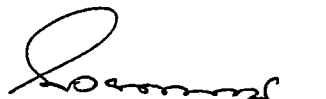
3. In the circumstances given above the applicant, if he had any grievance, should have come immediately or within a reasonable time to the Tribunal. But he waited for three years more before filing this Contempt Petition and the respondents are, therefore, perfectly justified in raising the plea of limitation.

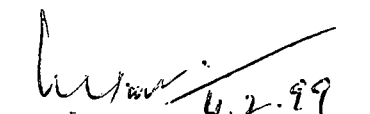
4. The real question in controversy appears to be that while the applicant wants re-engagement/regularisation as a Mason which is a group 'C' post the respondents are not prepared to grant him this benefit as according to them the applicant is not entitled to be

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re-engaged or regularised as Mason. We find much force in this contention of the respondents because in the OA the applicant had not made any specific prayer for re-engagement or regularisation as Mason nor did the Tribunal give any such direction to the respondents. As a matter of fact, the applicant at one time had been seeking temporary status as a Mortar Mistry. Thus, there is no material to show that the applicant had continuously worked only as a Mason and not as an ordinary casual labour.

5. In view what has been held and discussed above no further action in this Contempt Petition is called for. We accordingly dismiss this Contempt Petition both on merits as well as on the point of limitation. The notice is discharged.

  
(S. P. Biswas)  
Member (A)

  
(T.N. Bhat)  
Member (J)

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