

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

C.P. NO. 138/95
in
O.A. NO. 1597/94

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New Delhi this the 7th day of June, 1995.

Hon'ble Shri Justice S.C. Mathur, Chairman.

Hon'ble Shri P.T. Thiruvengadam, Member(A).

1. Sanjeev Kumar,
S/o Shri Hulasi Ram,
R/o A-274, J.J. Colony,
Wazirpur,
Delhi.
2. R. Kandaswamy,
S/o Ramaswamy,
R/o E-519, Shakurpur, Anandvan,
Delhi.

..Applicants.

By Advocate Shri Jitendra Bhardwaj.

Versus

Mr. R. Ravi,
Under Secretary,
Ministry of Planning and Programming,
Department of Statistics,
(General Section),
Sardar Patel Bhawan,
Parliament Street,
New Delhi.

..Respondent.

ORDER (ORAL)

Hon'ble Shri Justice S.C. Mathur.

1. The applicants allege disobedience by the respondents of the Tribunal's order dated 16.1.1995 passed in O.A. No. 1597/94.

2. The aforesaid O.A. had been filed by the applicants seeking grant of temporary status in Class-IV category and a direction to the respondents to employ them in preference to their juniors/outsideers. The Tribunal has observed in its order that the applicants have not put in 206 days of actual service in one year. Therefore, while dismissing the Original

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Application of the applicants, the Tribunal issued a direction to the effect that as and when the respondents engage a fresh casual worker, they shall consider the case of the applicants on merits and in accordance with law. In pursuance of this direction, the respondents called the applicants at an interview held on 25.4.1995. However, instead of engaging the applicants, certain persons whose names have been mentioned at the bottom of paragraph 4 were engaged. The applicants' case is that engagement of such persons amounts to disobedience of the Tribunal's directions. The Tribunal had not directed the administration to necessarily reengage the applicants. The Tribunal had merely directed consideration of the applicants. The applicants have been considered but the administration had not found them fit for reengagement. In the circumstances, it cannot be said that the Tribunal's orders have been disobeyed.

3. The learned counsel submitted that the applicants have not been reengaged only for the reason that they had earlier approached the Tribunal. It is, according to the applicants, apparent from the fact that the applicants' work so long as they were in employment was satisfactory. There is no evidence of mala fides. The mere fact that the applicants had earlier approached the Tribunal does not necessarily lead to inference that the higher officers holding the rank of the Under Secretary would have mala fide in considering the case of the applicants. It has to

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be pointed out that even at the stage of the disposal of the applicants' Original Application, they had not acquired any right to be considered for reengagement or continuance in service.

4. In view of the above, the application is dismissed in limine.

P. J. Thiruvengadam

(P.T. Thiruvengadam)
Member(A)

S. C. Mathur

(S.C. Mathur)
Chairman

'SRD'