

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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CCP No. 153/95 in QA No. 1249/94

~~XXXXX/XXXXXX~~ /19 Decided on: 6-12-96.

Lalman & 2 others APPLICANT(S)
(By ~~Shri~~ Mrs. Raman Oberoi Advocate)

VERSUS

UCI & Ors. RESPONDENTS
(By Shri P.S. Mahendru. Advocate)

CD RAM

THE HON'BLE SHRI S.R. ADIGE MEMBER (A).

THE HON'BLE ~~SHRI/SMXX~~ DR. A. VEDAVALLI MEMBER (J)

1. To be referred to the Reporter or not? Yes.
2. Whether to be circulated to other Benches of the Tribunal ?

S.R. Adige
(S.R. ADIGE)
MEMBER (A).

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JUDGMENT

BY HON'BLE MR. S. R. ADIGE MEMBER (A)

We have heard applicants' counsel Mrs. Oberoi and respondents' counsel Shri Mahendru on CCP No.153/95 pressed by the applicants alleging contumacious disobedience of the Tribunal's judgment dated 17.10.94 in OA No.1249/94 Shri Lalman & others Vs. UOI & Ors.

2. By that judgment respondents were directed to treat the applicants as being included in the Live Casual Labour register and also to assign them work if and when necessity for the same arose strictly in accordance with their names appearing in that register.

3. Applicants allege that they have not been engaged although 9 of their juniors (named in the CCP) are employed.

4. Respondents state in their reply that three out of the 9 are senior to all the applicants; five of them are junior to applicants, while applicant Harbans Singh is senior to only Chidha Singh and applicant Naseem is junior to all. It is further stated that Sheoraj Singh, who is one of the 9 mentioned above was re-engaged on the clear directions of CAT in OA No.1357/94. It is further stated that persons who had been reengaged erroneously in preference to their juniors, were served a

show cause notice as to why they should not be discharged from service and upon receipt of their replies all these 9 persons except Sheoraj Singh have been discharged vide letter dated 24.5.96.

5. It appears that these 8 persons have subsequently obtained an exparte stay order passed on 27.9.96 in OA No.1361/96 and are continuing on the strength of that interim stay order.

6. Mrs. Oberoi has pressed that as applicant Lalman is admittedly senior to Sheoraj he should be directed to be engaged. Shri Mahendru states that there are persons senior to Lalman and any direction in favour of Lalman at this stage will give rise to similar claims on the part of those senior to him.

7. We find that in similar circumstances C.P.No.166/93 was dismissed by our order dated 20.9.96.

8. In the facts and circumstances pointed out by respondents, we are satisfied that adequate grounds do not exist to proceed against them for Contempt of Court, and a CCP cannot be used to secure an order to engage a person when there are others senior to him awaiting employment. The rulings cited by Mrs. Oberoi; namely, 1978 Cr.L.J. 789 and 1985 Cr.L.J 1030 are not relevant.

9. ^{in whole} The CCP is therefore dismissed and notices against contemnors are discharged.

A. Vedavalli
(DR.A.VEDAVALLI)
MEMBER (J).

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S. P. Adige
(S. P. ADIGE)
MEMBER (A).