

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-161/96
OA-2173/94

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New Delhi this the 25th day of February, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

1. Sh. Raj Kumar,
S/o Sh. Shantu,
R/o Village Narda,
Lal Khan Basti,
Badarpur, New Delhi.
 2. Sh. Surinder Yadav,
S/o Sh. America Yadav,
R/o Village Jasola,
Post. Badarpur, New Delhi.
 3. Sh. Jagdish Prasad,
S/o Shri Budhan Singh,
R/o 1459 Kala Mahal,
Daryaganj, Delhi.
 4. Sh. Lallan Shah,
S/o Sh. Nagina Shah,
R/o A-300 Defence Colony,
New Delhi.
 5. Sh. Paramjit,
R/o A-31 Khanpur,
Ambedkar Nagar,
Sector-II, Delhi.
 6. Sh. Arjun Singh,
R/o C-1325 J.J. Colony,
Tigri, New Delhi.
- Petitioners

(through Shri P.P. Khurana, advocate)

versus

1. Union of India
through Secretary,
Ministry of Defence,
South Block, New Delhi.
 2. Sh. T.K. Bannerjee,
Secretary,
Ministry of Defence,
South Block, New Delhi.
 3. Shri Praduman Singh,
Air Officer Commanding,
Air Force Station,
Tughlakabad, New Delhi.
- Respondents

(through Sh. K.C.D. Gangwani, advocate)

ORDER(ORAL)
delivered by Hon'ble Dr. Jose P. Verghese, V.C.(J)

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This is a contempt petition arising out of an order of this Tribunal dated 16.5.95 passed in OA-2173/94. It is pertinent to mention that this petition has been filed by some casual labourers seeking continuation of engagement for seasonal work which they have been doing in the past and also seeking temporary status and on the basis of the temporary status, a possible entry in Group-D post in accordance with the rules. This matter was considered by this Tribunal in detail and directions were issued to the respondents to consider them as a special class and pass appropriate orders with application of appropriate norms as observed by the Tribunal in its order dated 16.5.95.

The respondents have filed a reply stating that they have considered the directions of this Tribunal and for the reason that if a favourable order in terms of the Tribunal's order is passed, that will affect the very concept of engagement of casual labourer under the Government of India.

It was also stated by the respondents that whatever be the reasons-right or wrong-they have considered the directions of this Tribunal in full compliance and if anything is left out, the petitioners could be given liberty to file an O.A. to re-agitate the issue and this Tribunal shall not sit in review of that order of consideration in pursuance to the previous orders of this Tribunal.

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The learned counsel for the petitioners states that this is an O.A. filed by the casual labourers in the year 1994 and the Tribunal had given anxious thought to it whether the existing rule on casual labourers could be applied to them and it was found that the fact that they have been engaged in the past for many years being seasonal, the rules could not be applied and it is for this reason a direction was issued to respondents to consider them as a special class and to consider with flexible norms to bring them within the existing rules of granting temporary status and entry into Group-D post. It was also stated that in case these casual labourers are made to approach this Tribunal repeatedly, it would be against public policy of multiple litigation and in this petition the casual labourers may not be able to find any relief in the present circumstances.

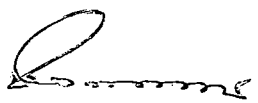
We have given anxious thought to both the contentions and we are of the view that the directions given by the Tribunal to consider the case of the petitioners was not an empty formality. The respondents should have considered their case in the manner directed even if it affects other departments or even if the concept of casual labourer may change in the special circumstances of the case. As such we are not satisfied that there is compliance of our orders.

The respondents are directed to reconsider the matter in terms of our order not only in terms but also in the spirit of the order considering that the

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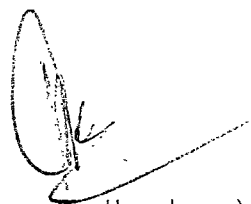
matter pertains to casual labourers. This direction issued shall be complied with within a period of three months from today and communicate the decision to the petitioners/their counsel by registered post.

With the above directions, the contempt petition is disposed of. Notices issued to the alleged contemnners are discharged.



(S.P. Biswas)

Member(A)



(Dr. Jose P. Verghese)

Vice-Chairman(J)

/vv/