

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CP NO. 134/99 IN
OA NO. 2231/97

NEW DELHI THIS THE 29th DAY OF OCTOBER, 1999

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

In the matter of:

Raja Ram Sharma,
S/o Sh. Parmeshar,
R/o A/1, Block-II,
Kali Bari Marg,
New Delhi. Applicant
(By Advocate: Sh. J.C.Madan)

Vs.

1. Shri Rajeshwar Dayal,
Secretary to Govt. of India
Ministry of Home Affairs,
North Block, New Delhi-1.
2. Sh. N.R.Wassan,
Deputy Director,
Central Bureau of Investigation,
C.G.O.Complex, Block No. III,
Lodhi Road, New Delhi-3.
3. Dr. Tarsem Chand,
Administrative Officer (Estt.),
C.B.I. (HQ)
C.G.O.Complex, Block No.III,
Lodhi Road, New Delhi-3. Respondents
(By Advocate: Sh. K.C.D.Gangwani)

O R D E R (ORAL)

BY REDDY. J.

Heard the counsel for the applicant.

- 1986 (X)
2. The petitioner was appointed in 1996 as casual labourer in the office of the Director, CBI. He was, however, disengaged after some time and according to the petitioner his disengagement was violated as being discriminatory. Hence, he filed an OA in 1996 before the Tribunal and the Tribunal while disposing of the OA directed the respondents that in case the applicant makes a representation to the respondents for

(AM) *As conveyed via Court's order
dated 17.12.98.*

(b) (9)

re-engagement as casual labour they will consider his case subject to availability of work in preference to his juniors and outsiders. It was also directed that he should be considered for regularisation in due course in accordance with the Rules. Thereafter the petitioner was re-engaged on 11.6.97 as casual labour but he was terminated soon thereafter on 11.8.97 which provoked the petitioner to file another OA-2231/97 dated 21.4.98 where the same direction has been reiterated. The present CP is filed complaining that the directions were violated.

3. In the counter affidavit it is stated that the order has been duly complied with. It was further averred that in compliance with the judgment the respondents had issued an order dated 6.8.97 to all heads of Branches/Units of CBI directing them not to engage any casual worker. It was further averred that some of the Branches had engaged persons on casual basis for the work of temporary nature but their services were immediately terminated on being pointed out by the CBI/HO. It is stated that the engagement of casual labour was totally banned/discontinued in CBI.

4. We do not find, from reading of the CP, how the directions given by the Tribunal have been violated. No instance is stated where the CBI had engaged any person on daily wage basis in violation of the directions given by the Tribunal. Learned counsel, however, draws our attention to the list of persons who were annexed in the OA to contend that the said persons who were juniors to the petitioner had been engaged by the respondents, hence that would constitute a violation of the judgment of the Tribunal. We do not agree. What happened prior to filing of the OA and prior to passing the order by

CMS

(XO)

the Tribunal cannot be a ground for complaint in the contempt case. Contempt of the order will only arise if any thing is ~~done~~ said in violation of the order. Unless an instance is brought to our notice by which it can be said that respondents had violated the specific direction given by the Tribunal it cannot be said that the offence of contempt has been committed by the respondents.

5. In view of the above, there is no merit in the CP. CP is accordingly dismissed.

Shanta Shastri
(MRS. SHANTA SHASTRY)

Member (A)

V.Rajagopala Reddy
(V.RAJAGOPALA REDDY)

Vice Chairman (J)

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