

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP No.152/98 in OA No.1505/97

NEW DELHI, THIS THE 21<sup>st</sup> DAY OF JULY, 1998.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN  
HON'BLE MR.R.K.AHOOJA, MEMBER(A)

National Federation of Railway  
Porters, Vendors and Bearers & ors.

... Applicant

(BY ADVOCATE SHRI D.K.GARG)

vs.

1. Shri B.B.Dixit,  
Divisional Railway Manager,(Commercial),  
Central Railway,  
Jhansi,U.P.

2. Shri Prem Narain,  
Sr.Divisional Commercial Superintendent,  
Central Railway,  
Jhansi, U.P.

.... Respondents

ORDER

JUSTICE K.M.AGARWAL:

National Federation of Railway Porters, Vendors and Bearers, claiming to be registered under the Trade Unions Act, 1926; and two Commission Vendors, Shri Gopal Das and Shri Alladin, functioning at Agra and Mathura Railway stations respectively jointly filed OA No.1505/97, which was dismissed with certain observations on 16.7.1997. This order has been alleged to have been disobeyed by the Divisional Railway Manager (Commercial) and Senior Divisional Commercial Superintendent, Jhansi in regard to the following 7 persons, the first six persons working as Commission Vendors at Railway station Agra Cantt and the last Shri Manori Lal working at Railway station Mathura Junction, Mathura:-

- (i) Punnilal
- (ii) Pitam Singh
- (iii) Totaram
- (iv) Chingarām
- (v) Brijlal
- (vi) Puran Chand
- (vii) Manori Lal

...

...

All of Agra Cantt.  
Of Mathura.

In these proceedings, the aforesaid 7 persons have not been shown as applicants, as they were not parties to OA No.1505/97. The respondents herein were also not parties to OA No.1505/97. However, as Members of applicant No.1 Trade Union in OA, the said persons appear to have initiated these proceedings through the Trade Union against the respondents, who were subordinates to the respondents in the main OA. 13

2. It appears that the grievance of the Trade Union or their Members aforesaid in these contempt proceedings is based on the following statement recorded by the Tribunal in its order dated 16.7.1997:-

"The learned counsel for the respondents states that the respondents have no intention to remove the applicants and they only wanted to regulate the business of selling various articles on administrative grounds. It is also stated that in appropriate time the applicants will be absorbed as per the Scheme applicable to railway employees of this nature."

In paragraph 2 of the application, it is stated that the aforesaid 7 Commission Vendors were not allowed to function as Commission Vendors since 16.7.1997 in violation of the aforesaid statement on behalf of the Railways recorded by the Tribunal. It is significant to note that the date mentioned for disobedience coincides with the date of the order passed by the Tribunal. Further in paragraph 3 of the application, it is alleged that the said 7 persons were not allowed to work as Commission Vendors on the ground that they had crossed 60 years of age. On these facts, no case of contempt can be said to have been made out against any of the respondents, since order could not have been served on 16.7.97 itself.

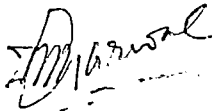
3. While permitting the railway authorities to enter into any agreement with contractors, this Tribunal said that the vendors may be permitted to sell their items. To reproduce the words of the order:


"The railway authorities may enter into any agreement with the contractors/persons without

14  
affecting the right of the applicants to sell these items and subsequent regularisation in accordance with law. The question of regularisation will be taken up by the respondents themselves in the phased manner and it is expected that they shall do it with the utmost earnest and in terms of law."

The aforesaid observation does not appear to have been ignored, abused or flouted by any of the respondents in the contempt proceedings.

4. For the foregoing reasons, we find no merit in this contempt petition. Accordingly, it is hereby dismissed. Rule nisi, if any against the respondents shall stand discharged.

  
(K.M.AGARWAL)  
CHAIRMAN

  
(R.K.AHOOJA)  
MEMBER(A)