

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,

C.P.NO.158/98

IN

OA No.292/97

New Delhi: this the 18th day of August, 1999

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE MR.KULDIP SINGH, MEMBER(J)

Shyam Lal,
S/o Shri Jeet Ram,
R/o Vill.Narwana, Ward No.4,
Moh.Gandhi Nagar,
Jind (Haryana)

.... Applicant.

(By Advocate: Shri Yogesh Sharma)

Versus

Shri K.K.Chaudhary,
Divl.Railway Manager,
Northern Railway,
Delhi Division,
Near New Delhi Railway Station,
New Delhi

.... Respondents.

(By Advocate: Shri R.L.Dhawan)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

Heard.

2. Shri Sharma states that a perusal of respondents' order dated 18.5.98 passed pursuant to the Tribunal's order dated 26.9.97 in OA No.292/97 reveals that the only reason why applicants' case has been rejected is because they were not engaged as casual labourers by the G.M. but this argument has already been rejected in several other cases decided by the Tribunal, for example order dated 13.10.98 in OA 2423/97 Satyapal & Ors. Vs. G.M. Northern Railway & Ors., and hence this reason could not be permitted to be taken by respondents to reject applicant's claim.

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3. Even if what Shri Sharma states were correct, that is still not sufficient to initiate contempt action against respondents. In this connection, the Hon'ble Supreme Court's ruling in J.S. Parihar Vs. G. Duggar & Ors. J.T. 1996(9) SC 608 is relevant.

4. If applicants ^{is} aggrieved by respondents' order dated 18.5.98, it is open to them to challenge the same in accordance with law, if so advised.

5. Giving liberty to applicant as aforesaid, the C.P. is dismissed and notices against the alleged contemnors are discharged.


(KULDIP SINGH)
MEMBER(J)


(S.R. ADIGE)
VICE CHAIRMAN (A).

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