

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP. No. 178 of 1998  
in  
OA. No. 770 of 1997

New Delhi, this 4th day of August, 1998

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)  
HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

(63)

1. Abhay Singh  
S/o Shri Chandgi Ram  
R/o E-160, Yadav Nagar  
Samaypur Badli  
DELHI.
2. Rama Kant  
S/o Shri Nathu Ram  
R/o D-591, Mandir Marg  
Gole Market  
NEW DELHI.
3. Padam Singh  
S/o Shri Ram Sarup  
R/o 1-1/20, Phase-I  
Budh Vihar Colony  
Avantika Rohini  
DELHI.

... Applicants

By Advocate: Shri E.X. Joseph with  
Shri Praveen Khattar

versus

Ms Sunita Kalia  
The Chief Controller of Accounts  
Principal Accounts Officer  
Ministry of Health & Family Welfare  
Room No. 303, D-Wing, Nirman Bhawan  
NEW DELHI.

... Respondent

By Advocate: Shri P. H. Ramchandani  
with Shri V.S.R. Krishna

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, M(J)

Heard the learned counsel for the parties in  
this C.P. filed by the applicants alleging non  
implementation of the Tribunal's order in OA.770/97.

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(2A)

2. The applicants in this C.P.178/98 have alleged that the respondents have deliberately and wilfully not implemented the Tribunal's judgment and order dated 24.9.97 in OA.770/97. The relevant portion of paragraph-7 of the judgment and order dated 24.9.97 against which contempt is alleged is reproduced below:

"If on the contrary, the respondents have utilised the services of contract labourers or labourers from the parent department or from the market for jobs which the applicants have been doing, all such casual labourers must yield their places to the applicants and the applicants shall stand engaged within a period of four weeks from the date of receipt of a copy of this order. For the periods the applicants did not work after the termination they shall not get wages on the principle of no work no pay."

3. Shri E.X. Joseph, learned sr. counsel for the applicants has submitted that as per the directions of the Tribunal, the respondents have granted temporary status to the applicants, but the grievance is that contrary to the directions quoted above, the respondents did not re-engage the applicants as casual labourers in place of the contract labourers. His contention is that the contract labourers engaged in terms of the admitted contract which the respondents or the parent department had entered into prior to September 1997 should have yielded their place to the applicants which has not been done. On the contrary, the respondents in their reply have stated that on receipt of the copy of the judgment of the Tribunal dated 24.9.97, they did not further continue with the

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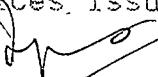
contract after September 1997. They have also submitted that more Airconditioners have been installed and the job of filling Coolers has now been dispensed with and the work has reduced, although they have engaged one of the applicants. In the reply they have also stated that subject to availability of work, the other applicants will be re-engaged as the need arises. In the circumstances, learned counsel for respondents has submitted that there is no wilful disobedience of the Tribunal's order on their part.

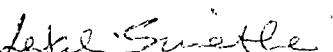
4. We have carefully read and re-read the directions of the Tribunal in judgment and order dated 24.9.97. In the light of what has been stated by the respondents after they received a copy of the judgment that they did not pursue with the contract and they managed the work with one of the casual labourers, it does not in any way show that they have disobeyed the orders of the Tribunal. The contention of the learned sr. counsel Shri E.X. Joseph that because the contract was still in force in September 1997 when the judgment was passed and therefore, the work which might have been done by the contract labourers even after September 1997 should have yielded their place to the applicants, appears to us to be rather misleading and untenable. This argument cannot be accepted in the Contempt Petition because it cannot be said that the respondents have continued with other persons after receipt of the judgment.

5. Another argument advanced by the learned counsel for the applicants was that after the impugned termination of the applicants by the verbal order dated 31.3.97, the respondents have sent requirements to the Employment Exchange to engage juniors and freshers and this admittedly was corrected after the Tribunal passed the interim order on 4.4.97. This again will not help the applicants to establish their allegation that the respondents have disobeyed the Tribunal's order.

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6. From the reasons given above, we find no merit in this C.P. and the same is accordingly dismissed. Notices issued to respondents are discharged.

  
(K. Muthukumar)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)

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