

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P. No. 210/99

IN

O.A. No. 2404/97

New Delhi: this the 10 day of May, 2000.

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

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

Sumer Singh,

S/o Shri Nand Lal,
Ex-Casual Labour under PWI/Hisar,
R/o H.No.270, H-Block,
Sultanpur,
Delhi.

.....Applicant.

(By Advocate: Shri G.D. Bhandari)

VS

1. Shri S.P. Mehta,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Shri D. Anand,
Divl. Railway Manager,
Northern Railway,
Bikaner

....Respondents.

(By Advocate: Shri R.L. Dhawan)

ORDER

HON. MR. S. R. ADICE, VC (A)

Heard both sides on C.P. No. 210/99 arising out
of OA No. 2404/97.

2. By Tribunal's order dated 27.11.98 in OA
No. 2404/97 respondents were directed, with reference to
their impugned order dated 18.10.95 to consider
inclusion of applicant's name in LCL Register with a
view to his engagement in his own turn, in the light
of the certain documents filed by him and the contents
of his representation dated 2.12.96 within 3 months
from the date of receipt of a copy of the order.

3. Pursuant to the aforesaid order, respondents
by their letter dated 20.5.99 (Annexure-CP-3) have
rejected applicant's claim for inclusion of his name

(28)

in LCL Register.

4. The aforesaid letter dated 20.5.99 is a detailed one and gives reasons for rejection of applicant's claim for inclusion of his name in LCL Register.

5. In J.S.Parihar Vs. G.Duggar & Ors. JT 1996(9) SC 608 the Hon'ble Supreme Court has held 'Once there is an order passed by the Govt. on the basis of the directions issued by the Court, there arises a fresh cause of action to seek redress in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may not be in conformity with the directions. But that would be a fresh cause of action(and) cannot be considered wilful violation of the order.'

6. It is true that respondents issued the aforesaid letter dated 20.5.99 with some delay for which sincere regret has been expressed, and in the light of the aforesaid ruling in Parihar's case (supra) the contents of their letter dated 20.5.99 cannot be considered wilful violation of the Tribunal's order dated 27.11.98.

7. The contempt proceedings are therefore dropped. Notices are discharged.

Kuldeep
(KULDIP SINGH)

MEMBER (J)

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

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