

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-251/98 in
OA-1622/97

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New Delhi this the 19th day of August, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Sh. N. Sahu, Member(A)

Sh. Gyanendra Pal Singh,
S/o Sh. Niranjana Singh,
Shastri Park, Nathupura,
Nathupura Buradi,
Delhi-9. Applicant

(through Sh. H.K. Gangwani, advocate)

versus

Union of India & Ors. through

1. Sh. S.P. Mehta,
General Manager,
Northern Railway,
Baroda House,
New Delhi-1.
2. Sh. R.K. Sarkar,
Sr. Civil Engineer(Const)
SSE, Northern Railway,
Tilak Bridge, Mahabatkhan Road,
New Delhi-2.
3. Sh. R.K. Sarkar,
Chief Administrative Officer(Const)
Northern Railway,
Kashmiri Gate,
Delhi-6. Respondents

(through Sh. P.M. Ahlawat and Sh. O.P. Kshatriya)

ORDER(ORAL)

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

Heard Shri H.K. Gangwani, learned counsel
for the petitioner and Sh. P.M. Ahlawat and Sh.
O.P. Kshatriya, learned counsel for the
respondents.

2. The petitioner has filed the contempt
petition claiming that the respondents have not

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complied with the Tribunal's order dated 11.02.98 in OA-1622/97. In pursuance of the Tribunal's order the petitioner has submitted that he had filed a representation to the respondents on 12.03.98 for engaging him as casual labourer/casual painter as he had done the job earlier.

3. Shri H.K. Gangwani, learned counsel for the petitioner, has submitted that the respondents have placed the applicant at Serial No.15 in the Live Casual Labour Register and that position has remained the same for the last several years. He has also submitted that the petitioner has crossed 50 years of age and if this situation continues, he is not likely to be engaged in any Group-D post as per the roster position in the Unit where he had worked earlier i.e. office of the Deputy Chief Engineer (Construction), Tilak Bridge, New Delhi. He frankly admits that Respondent No.1 had only considered the representation of the applicant with regard to the vacancy position in one Unit. In the circumstances of the case, he submits that we should direct respondents to consider re-engaging the petitioner as casual labour/casual painter wherever such vacancy arises.

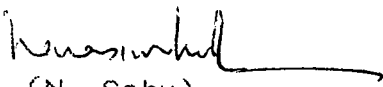
4. This has been stoutly denied by Shri P.M. Ahlawat, learned counsel for the respondents. He has submitted that as there is no vacancy in the


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unit in which the applicant had served earlier, the respondents are not in a position to re-engage the applicant in Group-D post as explained in their letter dated 06.08.1998. Shri O.P. Kshatriya, learned counsel submits that the petitioner had been engaged as casual painter and can be re-engaged only in that capacity, for which there is no vacancy.

5. Noting the above submissions of the learned counsel for both the parties and, particularly the submission made by Shri P.M. Ahlawat, learned counsel for the respondents that the respondents themselves have noted the name of the petitioner in the Live Casual Labour Register and that they will consider his name for appointment in Group-D post whenever a vacancy arises, we dismiss this Contempt Petition, and Notices issued to respondents are discharged.


(N. Sahu)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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