

21

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

CP No. 373/97  
MA No. 2982/97 &  
272/98  
OA No. 635/97

HON'BLE SHRI T.N. BHAT, MEMBER (J)  
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Shri Jiten<sup>d</sup>ra Prasad & Ors.  
Casual Workers under Head  
of News, 5th Floor, Akashvani  
Bhawan, Parliament Street,  
New Delhi - 110001. .... Petitioners  
(By Advocate: Sh. T.C. Aggarwal)

Vs.

Shri P. John Churchill,  
Head of News, 5th Floor,  
Akashvani Bhawan,  
Parliament Street,  
New Delhi - 110001. .... Respondents  
(By Advocate: Sh. R.V. Sinha)

ORDER

*Dated :- 2-7-1998.*

delivered by Hon'ble Shri T.N. Bhat, Member (J)

Some casual labourers working in the News Division of Doordarshan at New Delhi had filed the OA No. 635/97 seeking consideration of their claim for grant of temporary status and consequent regularisation of their services. Despite issuance of notice of the OA the respondents failed to turn up or to file a counter. After hearing the counsel for the applicants in the OA the Tribunal by its order dated 29.9.97 allowed the OA and directed Resp. No.2 in the OA, namely, the Head of News, Doordarshan News, Akashvani Bhawan, Parliament Street, New Delhi to consider the claim of temporary status of all the 13 applicants within a period of 4 weeks from the date of receipt of a copy of the order and to convey to them the decision individually.

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22

2. Admittedly, no such decision was either taken or conveyed to the applicants. After waiting for some time the applicants in the OA filed the present Contempt Petition (Civil) against the Head of News seeking action in contempt against the respondents.

3. The Tribunal issued a notice in the CP to the respondent. However, on 27.1.98 the learned counsel for the respondent appeared and stated that an MA for setting aside the ex parte order had already been filed, being MA No. 277/98. By the order dated 23.2.98 the aforesaid MA was rejected and by a separate order the respondents were directed to dispose of the representations of the applicants in the OA within 4 weeks from that date. It now appears that the respondents have rejected the representations claiming temporary status and the only ground mentioned in the decision conveyed by the respondents for rejecting the representation is that at the time when the applicants were engaged as casual labourers there was no scheme in force according to which they could be granted temporary status. The learned counsel for the respondents has accordingly argued that the representations of the applicants in the OA having already been disposed of this Contempt Petition should be proceeded with further. Annexure P-2 is the order/letter from the Sr. Administrative Officer, Doordarshan News addressed to one of the applicants, namely, Sh. Lok Nath informing him that since he was not employed as casual labourer in DD News on the date when the scheme framed by the Department of Personnel & Training was framed he was not eligible for grant of temporary status.

*[Handwritten signature]*

4. It is true that according to the judgment order of the Tribunal the respondents were required to take a decision on the question of grant of temporary status to the applicants in the OA and to convey the same to them individually, and that the respondents have now taken a decision and conveyed the same to the applicants, though after some delay. The learned counsel for the petitioners, however, urges before us that the decision is no decision in the eye of law, as it goes against the letter and spirit of the judgment order passed by the Tribunal. The learned counsel for the respondents vehemently refutes this contention by stating that the judgment order of the Tribunal stands implemented.

5. On consideration of the rival contentions we find ourselves in agreement with the petitioners' counsel. The reasons are not far to seek:

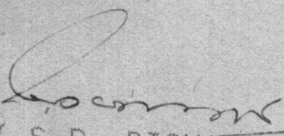
6. The scheme referred to above under which the claim of the applicants was required to be examined does provide that it would apply to persons who <sup>had</sup> ~~been~~ already working as casual labourers when the scheme came into force, i.e., 1.9.93. But there are judgments of the Tribunal where it has been held that the scheme would very much apply even to those casual labourers who were engaged after 1.9.93. As a matter of fact in the judgment order dated 29.9.97 itself a specific reference has been made to the order passed by the Tribunal in OA-1696/95 and it has been further stated in clear terms that according to the said order the scheme for grant of temporary status to casual labourers is applicable to even those persons who

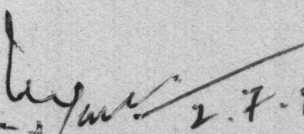
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fulfil specified eligibility criteria of length of service at any time after 1.9.93 as well. While taking the decision in the instant case the respondents seem to have conveniently omitted to take note of this important fact. We are, therefore, convinced that civil contempt is made out in this case. However in order to give the respondents another chance to implement the judgment/order of the Tribunal dated 29.9.97 we refrain from imposing any penalty other than costs. The respondents are allowed further 2 months time from today to properly consider the cases of the applicants in the OA for grant of temporary status under the relevant scheme irrespective of the fact whether they were engaged before or after 1.9.93.

7. The costs payable by the respondents in the facts and circumstances of this case are assessed at Rs.1000/- which the respondents shall pay to the applicants within 2 months from today.

8. With the above order the CP is disposed of.

  
( S.P. BISWAS )  
Member (A)

  
( T. N. BHAT )  
Member (J)