

36.

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.R.Adige, Vice-Chairman (A)

C. P. No. 423/2000  
O. A. No. 1930/1997

New Delhi, this the 7th day of March, 2002

Vinod Kumar  
s/o Shri Sewa Ram  
r/o 321/2 Than Singh Nagar  
Gagodia Road  
Anand Parvat  
Delhi. .... Applicant

(By Advocate: None)

Vs.

- 1 K. N. Gupta  
Commissioner I  
Custom and Central Excise Department  
Mangal Pandey Nagar  
University Road  
Meerut.
- 2 B. K. Juneja  
Joint Commissioner (P&V)  
Custom and Central Excise Department  
Mangal Pandey Nagar  
University Road  
Meerut.
- 3 R. P. Joshi  
Administrative Officer  
Head Quarter  
Custom and Central Excise Department  
Mangal Pandey Nagar  
University Road  
Meerut.
4. Anand Sharma  
Inspector, Headquarters  
Custom and Central Excise Department  
Mangal Pandey Nagar  
University Road  
Meerut. Contemnors/Respondents

(By Advocate: Shri H. K. Gangwani)

O R D E R(Oral)

Justice Ashok Agarwal:

Applicant and his Advocate are absent. We have heard Shri H.K.Gangwani, learned counsel appearing on behalf of the respondents/contemnors and have perused the file. We proceed to dispose of the present CP on merits, even in the absence of the

applicant and his Advocate, in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. Non-observance of directions contained in the order of 20.3.1998 in OA 1930/1997 is made the basis of the present Contempt Petition. By the order, aforesaid OA was disposed of with a direction to the respondents that subject to the availability of work, if and when they are considering, engaging Casual Labourers they should consider the applicant's claim in preference to juniors and outsiders.

3. By the present Contempt Petition, applicant has cited the names of six individuals who according to him are juniors to him by way of length of service and have yet been engaged and applicant has not been engaged in compliance of the aforesaid order.

4. Respondents/contemnors have filed their counter and they have pointed out that Shri Sonu s/o Shri Saktu Singh and Shri Ritesh are not at all working with them. As far as Shri Sunil s/o Shri Mahendra, Shri Mukesh s/o Shri Vipin Kumar, Shri Sanjay and Shri Dinesh <sup>are concerned they</sup> have been engaged in March, 1997; October, 1996; May, 1997 and January, 1997 respectively. They have filed a Chart, showing the month-wise details of number of working days put in by the applicant during the years 1992, 1993 and 1994. He has put in 56 days in 1992, 100 days in 1993 and he has put in no work in the year 1994. Hence, applicant has put in only 156 days, whereas Shri Amir Ali, <sup>who</sup>



according to the applicant, he is junior to him, has put in 779 days and is accordingly much senior to the applicant.

5. Aforesaid facts, averred in the affidavit, have not been rebutted by and on behalf of the applicant by putting <sup>in &</sup> the rejoinder. It <sup>can</sup> is therefore be safely inferred that ~~she~~ has no quarrel with the aforesaid averments. It is therefore not surprising that ~~she~~ as also <sup>his</sup> ~~an~~ Advocate <sup>have</sup> ~~being~~ chosen to abstain from appearing.

6. If one has regard to the aforesaid facts, it is apparent that no case is made out to take action for contempt.

7. Present Contempt Petition, in the circumstances, is dismissed. Notices earlier issued against the respondents/contemnors, are discharged. No costs.

*S. R. Adige*  
(S. R. ADIGE)  
VICE-CHAIRMAN(A)

*A. Agarwal*  
(ASHOK AGARWAL)  
CHAIRMAN

/RAO/