

~~SECRET~~

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Review Application No. 26/99

in

Original Application No. 2371/97

New Delhi, this the 30th day of June, 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. S.P. Biswas, Member (A)

1. Shri Om Partap
S/o Shri Des Raj.
2. Shri Roshan Lal,
S/o Sh. Zile Singh.
3. Shri Ganesh Kumar,
S/o Shri Zile Singh.
4. Shri Inder Partap Singh,
S/o Shri Sita Ram Singh.
5. Shri Rajesh Kumar,
S/o Shri Soni Lal.
6. Shri Abdul Famid,
S/o Shri Abdul Hamid.
7. Shri Ramesh Chand,
S/o Shri Mani Ram.
8. Shri Chatter Pal Singh,
S/o Shri Chander Pal Singh.
9. Shri Tulsi Ram,
S/o Shri Mullar.
10. Shri Mukesh Kumar,
S/o Shri Tirth.
11. Shri Phool Kumar,
S/o Shri Zile Singh.
12. Shri Jitender Singh,
S/o Shri Gokaran Singh.
13. Shri Prem Chand,
S/o Shri Phalad Singh.
14. Shri Jagpal Singh,
S/o Shri Mir Singh.
15. Moh. Salim,
S/o Shri Rasid Khan.

(By Advocate: Shri Yogesh Sharma)

.....Applicants.

YAS

Versus

1. Union of India through
the Secretary,
Ministry of Railway,
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divl. Railway Manager,
Northern Railway, Bikaner,
Division, Bikaner (Raj)
4. Shri R.P. Ghai,
Forwarding Agent,
Parcel Office,
Delhi Sarai Rohilla,
Delhi.
5. Mohd. Ilyas,
Forwarding Agent,
Parcel Office,
N. Rly., Delhi Sarai
Rohilla, Delhi.

(5)

...Respondents

(By Advocate: Shri P.S. Mahendru)

ORDER (Oral)

By Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J):

This application is filed to review the order of this Tribunal dated 16.12.97. The Tribunal disposed of the OA in terms of the order passed in OA-1227/97 which was disposed of on the same date. The order in OA-1227/97 was directed to form part of the order in the present OA. The direction given in OA-1227/97 was as follows:-

"Since in some of the cases decided by the Hon'ble Supreme Court, there was already an enquiry report conducted at the instance of the Labour Commissioner, UP, Kanpur available on record, we also find that before complying with the said 8 directions given by the Hon'ble Supreme Court, the respondents' Railways may approach the Labour Commissioner UP at Kanpur for conducting an enquiry in the same manner as has been done at the instance of the Hon'ble Supreme Court and in the interest of the working class. The respondents are directed to get the report within a reasonable span of time say within six months. Thereafter the directions given

by the Hon'ble Supreme Court reproduced herein above will be applicable in the case of the applicants herein as well".

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2. The only direction that was given to direct the respondents to get the enquiry report of the Labour Commissioner UP, Kanpur and conduct an enquiry in the same manner as has been done at the instance of the Hon'ble Supreme Court. Respondents were directed to get the report within a reasonable span of time i.e. within six months for completion of the enquiry.

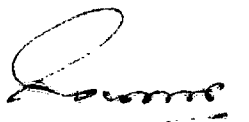
3. Respondents filed Contempt Petition 292/98 on 28.10.98 complaining that the order of the Tribunal has not been implemented. Hence the respondents committed Contempt of Court. Notice has been issued to the respondents and after receiving the notice the applicants filed the present RA on 16.12.98. The only ground taken in the RA is that the Tribunal went wrong in giving the direction to the Railways to approach the Labour Commissioner, UP Kanpur for conducting an enquiry. It was alleged that it should be the Railway Labour Commissioner/Rajasthan at Bikaner instead of Labour Commissioner UP, Kanpur. Learned counsel for the respondents i.e. applicant in the main OA contends that the application was filed one year after the order was passed and the RA was, therefore, not bonafide and the application should be dismissed.

4. We are of the view that this application was filed only to avoid the implementation of the order passed by this Tribunal. The order was passed in December 1997 and if the respondents were of the view that there was an error in the order passed by this Tribunal as to the place of the Labour Commissioner, the easy course left

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for them was to have approached the Tribunal immediately after the order was received. They have not done so. The Contempt Petition was filed by the applicant in the OA on 28.10.98 after only receiving the notice in the CP respondents have chosen to file the RA. This was done only to justify the action in not implementing the order. There is, therefore, no hesitation to hold that this application was not bonafide. On this ground alone the RA is liable to be dismissed without going into the merits of the matter. It should also be noticed that ^{an RA} ~~the~~ RA has been filed ^{on taking} ~~bringing~~ the same ground against the order passed by the same Bench, in another OA of the same subject matter and the RA was dismissed.

5.. The Review application is, therefore dismissed.


(S.P. BISWAS)
Member (A)


(V. RAJAGOPALA REDDY)
Vice-Chairman (J)

cc.