

27/02

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P..NO. 19/1998

in

O.A. NO. 439/1996

New Delhi this the 3rd day of February, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Mrs. Darshana W/O Maha Singh,
R/O H-235, J. J. Colony,
Wazirpur,
Delhi.

... Applicants

(By Shri U. Srivastava, Advocate)

-Versus-

1. Shri S. P. Singh,
Chief Secretary,
Govt. of N.C.T. of Delhi,
5, Shamnath Marg,
Delhi-110054.
2. Shri P. K. Langar,
Director General,
N.C.C. Directorate,
R. K. Puram, West Block-IV,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

Heard the learned counsel for the applicant on admission.

2. This application for contempt has been made for non-compliance with the directions made by the Tribunal in O.A. No. 439/1996 on 1.9.1997.

Yam 3. The following two directions were made :-

(i) The respondents shall consider re-engaging the applicant in preference to juniors/freshers wherever there is any need for casual works with them;

(ii) The respondents shall scrutinise the records to see if the applicant had worked for more than 240 days in any of the periods claimed by her and consider granting her temporary status strictly in terms of the Scheme formulated by the Government of India vide its O.M. dated 10.9.1993."

4. The learned counsel conceded that in so far as the first direction is concerned, no case is made out for proceeding against the respondents for contempt, because the applicant has not been able to show any fresh appointment or re-appointment of her juniors subsequent to the date of the order.

5. In so far as the second direction is concerned, the learned counsel did not dispute that no time limit was given for compliance with that part of the direction, but he argued that under the Establishment Manual certain time limit is prescribed for conferring temporary status on casual employees, like the applicant. He further submitted that the applicant is unemployed and prompt action in matters like the present one was expected from the respondents.

6. In matters of contempt, we are not concerned with the provisions contained in Establishment Manual. Because of non-compliance with such executive or

For

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statutory rules, the employees get cause of action for moving the Tribunal. Having moved the Tribunal, the applicant obtained certain direction made in her favour. Now the question is whether that direction has been complied with; if not complied with, is there any ground for that or the non-compliance can be considered to be deliberate in nature.

7. We take that the direction has not been complied with by the respondents. But in the absence of any time limit for compliance, we have to depend on the Government decision in this regard. That is reproduced below Section 27 in Swamy's Compilation on Central Administrative Tribunal (Act, Rules and Orders). Paragraph 2 of the Government of India's order says that in a case where time is not specified for compliance, compliance will be done within a period of six months from the date of receipt of the order. From the date of the order, we find that this period of six months has not expired. We are accordingly of the view that this contempt petition is premature. Accordingly, it is hereby dismissed.

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(K. M. Agarwal)
Chairman

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(R. K. Ahooja)
Member (A)

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