

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP No.25/2001 in OA No.1791/1996

New Delhi, this 9th day of May, 2001

Hon'ble Shri V.K. Majotra, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

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1. Hari Singh
2. Chander Prakash
3. Om Prakash
4. Komal Singh
5. Gopal
6. Dhani Ram
7. Nemi Chand
8. Avinash Gupta
9. Mohd. Iqar
10. Sat Dev

(All working as Fitter/wireman/Carpenter/
Painter with the Signal Inspector,
Northern Railway Tundla)

.. Petitioners

(By Shri R.K. Shukla, Advocate)

versus

1. Shri S.P. Mehta
General Manager, NR, New Delhi
2. Chief Admn. Officer (Const)
Northern Railway, Kashmeri Gate, Delhi
3. Sr. Signalling & Telecommunication Engineer
(Const) Northern Railway, Kanpur
4. Divisional Railway Manager
Northern Railway, Allahabad

.. Respondents

(By Shri B.S. Jain, Advocate)

ORDSER(oral)

By Shri Shanker Raju

This Tribunal vide its order dated 1.3.2000 in OA No.1791/1996 with OA No.1692/96 directed the respondents to organise screening of the petitioners for skilled categories instead of Class IV Posts (unskilled) and regularise them as such in case they are found suitable and to complete this process within a period of six months. Petitioners are aggrieved that the aforesaid directions have not been complied with and therefore they have filed the present CP.

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2. Respondents have filed their reply on 15.2.2001 stating that in pursuance of the directions of the Tribunal they have issued notice for the trade test on 27.12.2000 and thereafter held the trade test on 19.1.2001 for special category. All the petitioners have been found suitable for the post shown against each in the circular dated 30.1.2001. According to the respondents there was an inadvertent mistake on their part to state that with regard to petitioner No.4 (Komal Singh) he passed the trade test and was being regularised. In their additional affidavit filed on 23.3.2001, respondents have stated Komal Singh did not qualify in the trade test and consequently was not found suitable for the post of ESM Gr.III and therefore there is no question of his being regularised. With regard to the delay in holding the trade test they have tendered unconditional and unqualified apology.

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3. With reference to the contention of the counsel for the petitioners that Komal Singh has qualified in the trade test held on 19.12.97, 26.12.97 and 6.1.98, respondents have stated that the trade test for Wireman & ESM are different and Komal Singh only passed the trade test of casual Wireman but he failed in the trade test of ESM and therefore he was not regularised.

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4. With regard to implementation of the directions contained in Tribunal's order dated 1.3.2000 in OA No.1791/1996 with OA 1692/1996, they have admitted the delay but in view of their unconditional and unqualified apology, we do not find that any contempt has been made out against the respondents, as per the ratio laid down by the apex court in the case of J.S.Parihar Vs. UOI JT 1996(6) SC 608 that wilfull disobedience of court means negligence and carelessness and excludes only casual, accidental, bonafide and unintentional acts or inability to comply with the terms of court orders.

5. In view of this position, the CP is dismissed and notice discharged. However petitioner No.4 (Komal Singh) is at liberty to file a fresh OA, if any grievance still survives, in accordance with law. No costs.

S. Raju
(Shanker Raju)
Member(J)

V.K. Majotra
(V.K. Majotra)
Member(AO)

(NTV)