

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 77/2007  
OA 2345/1996

New Delhi, this the 21<sup>st</sup> day of March, 2007

Hon'ble Shri L.K. Joshi, Vice-Chairman (A)  
Hon'ble Shri Mukesh Kumar Gupta, Member (J)

1. Shri Daya Ram  
S/o Shri Kewal Singh  
R/o H.No.129, Gyaniwali Basti  
Line Par, Near Pump No.11  
Moradabad, UP.
2. Kallu, S/o Shri Chunni Lal  
R/o Vill: Jaitia Sadalkhpur  
P.O. Uchi Gaon  
Moradabad, UP.
3. Onkar Sharma  
S/o Sh. Daya Shankar Sharma  
R/o Behind Power House  
Loco Shed, Moradabad, UP.
4. Jugesh Kr. Sharma  
S/o Shri Chander Bhan Sharma  
C/o Onkar Sharma  
S/o Daya Shankar Sharma  
R/o Behind Power House,  
Loco Shed, Moradabad, UP.

...Petitioners

(By Advocate Shri Puneet Aggarwal)

V E R S U S

1. Mr. Mathew John,  
Secretary, Railway Board  
Northern Railway  
Headquarters Office  
Baroda House, New Delhi.
2. Mr. V.N. Mathur  
General Manager  
Northern Railway  
Headquarters Office  
Baroda House, New Delhi.
3. Ajiz Ulhaq, Div. Railway Manager  
Northern Railway, Moradabad, UP.

...Respondents

ORDER (ORAL)

Shri Mukesh Kumar Gupta,

Four petitioners in the present Contempt Petition allege willful disobedience of the directions issued on 29.5.97 in OA 2345/96, which were to the following effect: -

"In the circumstances, the applicants shall make representation to the respondents within one week from today showing the claim of past casual engagements of the applicant individually. Thereafter, the respondents shall pass an appropriate order within two weeks and if found that the claim of the applicants as to the seniority in accordance with the relevant instructions, the respondents shall engage them forthwith against available vacancies in preference to all other fresh casual labourers. In the event the respondents are not passing an appropriate order within the time limit given, the applicants are entitled to payment applicable to casual engagements for any day of default.

With the aforesaid directions, this OA is disposed of. No costs."

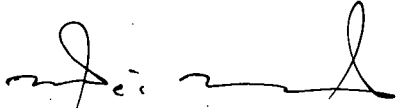
(emphasize supplied).

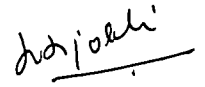
2. The present Contempt Petition has been filed on 24.1.2007. On the face of it, under Section 20 of the Contempt of Courts Act, 1971 mandate that no Court shall initiate contempt either on its own motion or otherwise after a period of one year. Learned counsel for the petitioner contends that he has sought information from the respondents under the Right to Information Act, which was made available only in the year 2007 and, therefore, the present Contempt Petition is within the limitation period. Further more, some of the officials were appointed in the year 2005-06 in derogation of the aforesaid directions issued by this Tribunal.

3. On bare perusal of the directions issued on 29.5.97, as extracted above, it would be clear that respondents were directed to pass speaking order within the time limit prescribed therein and to

engage them forthwith. It does not mean that the applicants should wait for nine years for engagement of somebody else for filing a Contempt Petition.

4. We find no merit in the CP and the same is accordingly dismissed.

  
(Mukesh Kumar Gupta)  
Member (J)

  
(L.K. Joshi)  
Vice-Chairman (A)

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