

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP.84 of 1998
in
OA No.1361 of 1996

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New Delhi, this 28th day of July, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry Member(A)

Mangat Singh
S/o Shri Khachedu Singh
Ex. Casual Gangman
Under PWI, Northern Railway
HAPUR. ... Petitioner

(By Advocate: Shri B.S.Mainee - not present)
Petitioner present.

versus

1. Shri S.P. Mehta
General Manager
Northern Railway, Baroda House
New Delhi.

2. Shri P.C. Sharma
Divisional Railway Manager
Northern Railway
Moradabad.

3. Shri Sunil Bhaskar
Divisional Engineer (Headquarters)
Northern Railway
Moradabad. ... Respondents

(By Advocate: Shri V.S.R.Krishna)

ORDER(Oral)

By Shri Justice V. Rajagopala Reddy

The Tribunal in the OA passed an order dated 22.10.1997, the operative portion of which is as under:

"It is stated by the petitioner that two of his juniors are still working while the petitioner who is senior was disengaged on the basis of the above said alleged scrutiny of records. It is hereby directed, therefore, that the respondents shall consider re-engaging the petitioner against available vacancy before considering the claim of any of his juniors except by those engaged by Court orders. In the event any of his juniors continues to work under any Court orders, the petitioner will have the right to be informed of the Court's order under which they are continued to work.

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The petitioner is also entitled to a statement from the respondents that the remaining persons who continue to be engaged as casual labourers are senior to the petitioner. The intimation to the petitioner shall be sent within four weeks of the receipt of a copy of this order."

Complaining that this order has not been obeyed, the petitioner filed the present CP.

2. In the reply it has been stated that the order has been complied with and that the seniority of the petitioner has been fixed at sl.no.153-A. A priority list of the casual labourers who are senior to the petitioner and are waiting for the re-engagement, has been supplied to him. It is also stated that the juniors to the petitioner are working due to interim orders passed by the Court. When this reply had been disputed, the respondents filed supplementary affidavit asserting the compliance of the orders and reiterating that there is no violation of the order.

3. It is not possible for us, being not a court of fact, exercising a limited jurisdiction in contempt cases, to decide the disputed questions to ascertain whether in fact the order has been complied with or not. If the petitioner still feels aggrieved that the order has not been complied with, it is open to him to file a fresh OA after bringing all the necessary facts to the notice of the Court. The CP is, therefore, dismissed. Notice discharged. No costs.

Shanta F.
(Smt. Shanta Shastry)
Member(A)

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Om Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman(1)