

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.P. No. 145 of 1998 In
O.A. No. 303 of 1996

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New Delhi this the 8th day of March, 1999

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Kashma Nath Pandey

..Petitioner

By Advocate Shri R.K. Relan.

Versus

1. Shri Kamal Pandey
Secretary,
Govt. of India,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi.
 2. Shri Radhey Shayam
Joint Director (PP),
Ministry of Agriculture
(Department of Agriculture and
Cooperation),
Plant Quarantine & Fumigation Station,
I.G.I. Airport Terminal-I.,
New Delhi.
 3. Shri V.C. Pandey
Officer-in-Charge,
Govt. of India,
Plant Quarantine & Fumigation,
Babatpur Airport,
Varanasi (UP).
 4. Shri R.L. Rajak
Adviser, Plant Protection
to the Govt. of India,
Directorate of Plant Protection,
Quarantine and Storage,
Faridabad (Haryana).
- ..Respondents

S/Shri Madhav Panikkar & N.S. Mehta, Counsel for the respondents.

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

The petitioner in this C.P. alleges non-compliance of the directions of this Tribunal given in O.A. 303/1996.

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The following directions were given:-

"(i) Respondents will pass orders in regard to (i) grant of temporary status to applicant in terms of Casual Labourer (Grant of Temporary Status & Regularisation) Scheme, 1993 and (ii) grant of 1 month's salary in lieu of one month's prior notice in writing before they disengaged applicant w.e.f. 31.1.96. These orders should be passed within 2 months from the date of receipt of a copy of this judgment.

(ii) Subject to availability of work respondents will consider re-engaging applicant as a casual labourer with temporary status in preference to outsiders and those with overall lesser length of past service.

(iii) Thereafter subject to (a) availability of vacancies and (b) applicant's eligibility, respondents will consider regularising applicant strictly in turn and in accordance with his seniority".

2. It is stated by the respondents in the counter-reply that the directions of the Tribunal had been fully complied with although there was some delay due to some administrative problems. It is stated that the petitioner had been re-engaged as daily paid casual labourer with effect from 22.6.1998. When the matter came up for hearing today, i.e. 1.3.1999, the learned counsel for the respondents also produced before us the order dated 25.2.1999 issued by the respondents which indicates that the petitioner has been granted temporary status in Plant Quarantine and Fumigation Station, Varanasi with effect from 15.12.1994. The grant of temporary status has also been subject to following terms and conditions:-

"(i) Conferment of temporary status on him would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be redeployed as Casual Labourer with temporary status anywhere within the recruitment unit/territorial circle on the basis of availability of work in preference to outsiders and those with overall lesser length of past service.

(ii) He will not however, be brought on to the permanent Establishment, unless he is selected through regular selection process for Group 'D' posts keeping in view the instructions contained in para 8 of DOPT Office Memorandum *ibid*".

3. From the perusal of the above, we find that the directions of the Tribunal had been complied with. Although there was some delay in implementing the directions, we do not find that there has been any wilful and contumacious delay in this behalf.

4. In view of the above, the Contempt Petition is dismissed and the notice is discharged.


(K.M. AGARWAL)
CHAIRMAN


(K. MUTHUKUMAR)
MEMBER (A)

Rakesh