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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
C.P.No.256/96 in
D.A.No.261/96

Thursday this the 7th day of November, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

Kulwant Singh S/o Sh. Gores Singh
R/o S.123 Pandav Nagar,
Delhi.92.

.... Applicant/Petitioner

(By Advocate Mr. U.Srivastava)

Vs.

1. Shri S.D.Sharma,
Joint Secretary, Ministry of
Mines, 3rd floor, Shastri Bhavan
New Delhi.
2. Shri Rakesh Bhartiya,
Under Secretary,
Ministry of Mines,
3rd floor, Shastri Bhavan, New Delhi. ... Respondents

The petition having been heard on 7.11.1996, the
tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), CHAIRMAN

Petitioner alleges disobedience of the
orders of this Tribunal in D.A.261/96, which is
to the following effect:

"...respondents will re-engage applicants
as casual workers as and when work is
available, in preference to freshers
and persons who have lesser length of
casual service, and to consider them for
appointment as Group 'D' employees as and when
vacancies are available in their turn
in accordance with rules."

contd....

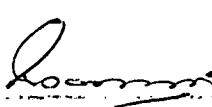
2. Petitioner submits that the orders have been violated by engaging juniors. The very terms of the order of the Tribunal shows that it is contingent of many events. A fact enquiry will be necessary to find out:

- (a) Whether work is available?
- (b) Whether persons with lesser service have been engaged?
- (c) Whether vacancies are available for regularisation; and
- (d) When their turn arises in accordance with Rules?.

These are not exercises referable to a petition in contempt. Wilful disobedience should be evident and by an involved process of reasoning infraction of the order cannot be spelt out to attract contempt. We may also point out that the jurisdiction in contempt which inheres in a Tribunal or Court is not a remedy of right in a party.

3. We find no merit in the Contempt Petition and dismiss the same. No costs.

Dated the 7th November, 1996.


S.P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
CHAIRMAN

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