

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

15

C.P. NO. 190/94
in
O.A. NO. 2590/93

New Delhi this the 24th day of November, 1994

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

S/Shri

1. Ram Pal S/O Sh. Pyrelal
2. Roshan Lal S/O Moti Lal
3. Ram Kishan S/O Mangal Singh
4. Pradeep Kumar S/O Kishori
5. Hans Raj S/O Tota Ram
6. Ram Singh S/O Bhagwan Das
7. Rajesh Pal S/O Nathu Ram
8. Anil Kumar S/O Kishan Prasad
9. Sanjay Kumar S/O Tez Ram
10. Sukhpal Singh S/O Raghbir Singh
11. Ramesh Chand S/O Shiv Lal Singh
12. Ram Pati Prasad S/O Ram Dhani Ram
13. Bachan Rana S/O Keshav Rana
14. Ashok Kumar S/O Madan Singh ... Applicante

All are working as Cleaners in the
office of Naval Headquarters
C/O Palam Colony, New Delhi.

(By Advocate Shri V. P. Sharma)

Versus

Shri J. K. Talwar,
Commodore,
Director of Administration,
Naval Headquarters,
New Delhi.

... Respondent

(By Advocate Shri P. H. Ramchandani)

ORDER (ORAL)

Shri Justice S. C. Mathur —

The applicants, 14 in number, allege
disobedience by the respondents of the Tribunal's
judgment and order dated 4.3.1994 passed in
O.A. No. 2590/93 (Annexure P-1).

2. From the material on record, it appears
that prior to the aforesaid O.A., another O.A.,
viz., No. 3315/92, was filed by Ram Pal & others

(16)

in which a direction was issued to the respondents to prepare a list of casual labourers including those who had been engaged in the past, and as and when need arose, the respondents would ascertain from the persons brought on the list as to whether they were willing to be engaged as casual labourer, and then engage them in preference to outsiders. In order to comply with the directions of the Tribunal, the Administration invited applications. Originally, only 50 persons responded and accordingly a list of 50 persons was prepared. Subsequently, more persons responded and ultimately a list of 951 persons was prepared. The submission of the learned counsel for the applicants is that the respondent is guilty of contempt by including in the list 951 persons instead of 50.

3. The judgment of the Tribunal of which disobedience is alleged was rendered in O.A. No. 2590/93 in which the present 14 applicants were the applicants. The material direction issued in the said judgment is as follows :-

"....We, therefore, direct the respondents to desist from engaging outside labourers through contractors. We also direct them to give the work of cleanliness to the applicants if their names are included in the list prepared by the respondents if and when their turn comes."

The administration was also directed to pay cost to the applicants which was assessed at Rs.1000/-.

(1)

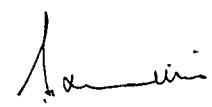
4. The learned counsel for the applicants has not disputed that cost of Rs.1000/- has been paid. There are two material directions in the judgment of the Tribunal. The first is to desist from engaging outside labourer through contractors. It is not the case of the applicants that this direction has been violated. The second direction is to give work of cleanliness to the applicants if their names are included in the list prepared by the respondents if and when their turn comes. It is not disputed that the names of the 14 applicants have been included in the list which has been prepared in pursuance of the direction of the Tribunal. We do not find any direction in the judgment of the Tribunal to restrict the figure of persons to be brought on list to 50. In fact, in paragraph 4, there is reference to 951 casual labourers engaged during the period 1985 to 1992. There could be no valid reason for the Administration to exclude these 951 casual labourers. The mere fact that the Administration considered some of them subsequently as they had, for one reason or the other, failed to respond to the earlier notice, cannot amount to disobedience of the judgment of the Tribunal.

5. In view of the above, the application is not only lacking in merit, it is frivolous. The applicants must, therefore, pay exemplary costs to the respondents which are assessed at Rs.1,000/-.

P. J. Dr

/as/

(P. T. Thiruvengadam)
Member (A)


(S. C. Mathur)
Chairman