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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP No.243/2000 in OA No.139/2000

New Delhi, this 14th day of December, 2000

Hon'ble Shri V.K. Majotra, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Roshan Lal
0334, Sewa Nagar
New Delhi

.. Petitioner

(None present)

versus

1. Shri Sudhir Bhandari
Principal Chief Controller of Accounts
M/Law, Justice & Company Affairs
Lok Nayak Bhavan, New Delhi
2. Shri B.B. Sarkar
Senior Accounts Officer
M/Law, Justice & Company Affairs
Lok Nayak Bhavan, New Delhi .. Respondents

(By Shri D.K.Srivastava, proxy for Shri V.S.R.Krishna,
Advocate)

ORDER(oral)

By Shri V.K. Majotra

In the absence of representation on behalf of the petitioner, we have proceeded to dispose of this petition under Rule 16 of the CAT (Procedure) Rules, 1987.

2. The Tribunal has^d passed order dated 8.5.2000 in OA No.139/2000 giving the following directions to the respondents:

(i) To verify their records regarding the claim of the applicant about his services with them as a casual labourer from 24.11.97 to 14.12.99. In case the applicant fulfils the terms and conditions of the DoPT Scheme dated 10.9.93, the respondents shall grant him the due benefits as contained therein, including the grant of temporary status;

(ii) Having regard to the applicant's past service with the respondents and subject to his fulfilment of the terms and conditions laid down in the aforesaid scheme, the respondents shall re-engage the applicant in preference to juniors and outsiders, immediately, in case they have work of the nature he was doing previously.

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2. The petitioner has alleged that he has represented to the respondents on 19.5.2000 enclosing a copy of Tribunal's order dated 8.5.2000, however the respondents in utter disregard and disobedience to the directions of the Court, engaged three juniors/freshers with effect from 20.6.2000 and 5 persons from 11.5.2000 but have not re-engaged the petitioner as casual labourer.

3. Respondents in their reply have stated that in consultation with the Department of Personnel & Training they have decided that the DoPT Scheme dated 10.9.93 is not applicable to the case of the petitioner. They have also referred to Supreme Court's order dated 2.3.2000 (Annexure C R-2) whereby in an SLP about a similar case the Court had granted stay of the order impugned therein. Respondents have further stated that by letter dated 7.8.2000 the petitioner was asked to report for duty and he continues to work till now.

4. Petitioner has filed rejoinder as well in which he has raised the issue of temporary status and applicability of DoPT's scheme dated 10.9.1993.

5. This Court has directed the respondents to consider the ~~claim~~^{lh} of the petitioner about his service, as casual labour from 24.11.97 to 14.12.99 and in case he fulfils the terms and conditions of the scheme dated 10.9.1993, respondents were asked to grant him due benefits including temporary status. They have decided after consultation with DoPT that the scheme is applicable to

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those who were in service as on 10.9.93. The petitioner was not in service on 10.9.93. Respondents have decided not to accord him various benefits flowing in terms of DoPT Scheme. If the petitioner has any grievance regarding this decision of the respondents for not according him the benefits under DoPT Scheme, he cannot seek relief through a contempt petition.

6. As regards the second aspect of the directions of the Court, whereas the petitioner has not given sufficient details about engagement of freshers and juniors to him earlier than him, it is not possible to judge whether the respondents have disobeyed the orders of the court and committed contempt of court. Further, the respondents have re-engaged the petitioner with effect from 7.8.2000 and he continues as such. In view of this, the second aspect of the directions of the court has been complied with by the respondents.

7. Having regard to the above reasons and discussions, we are of the view that the respondents have not committed contempt of the court. Notice under the provisions of Contempt of Court Act is discharged. The CP is dismissed accordingly.

S. Raju
(Shanker Raju)
Member(J)

V.K. Majotra
(V.K. Majotra)
Member(A)

/gtv/