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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.NO.422/2002 IN O.A.NO.1891/2000

Monday, this the 9th day of December, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

1. Shri Kalu Ram
s/o Shri Ganpat
r/o Jhuggi No.107, Satyawati Colony
Behind Janta Flats, Ashok Vihar,
Delhi-52
2. Shri Balraj
s/o Shri Same Ram
r/o Village Simli, PO Mayna
Dist. Rohtak, Haryana

..Applicant
(By Advocate: Shri D.R.Gupta)

Versus

1. Shri Bhawani Prasad
D.G. (Works)
CPWD Nirman Bhawan,
New Delhi
2. Shri Sudhir Kumar
Superintending Engineer
(Coordination Circle Electrical)
CPWD, East Block, Level -VII
R.K. Puram, New Delhi
3. Shri Gun Sagar Jain
Executive Engineer
PWD, Division No.VI (NCTD)
Under ISBT Flyover,
Kashmere Gate, Delhi

..Respondents

(By Advocate: Shri R.N.Singh)

O R D E R (ORAL)

Shri S.A.T. Rizvi:

By an order passed on 12.9.2001 in OA-1891/2000
and OA-1893/2000, the Tribunal issued directions as
follows:-

"5. Having regard to the rival contentions of both the parties, I am inclined to dispose of this OA with a direction to the respondents to verify the records of the applicants and the number of vacant posts in the category in which the applicants are working, i.e., Mason and Plumber and also after

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verification of the necessary particulars pertaining to the applicants, they should be considered for regularisation against the vacant posts subject to their suitability and conforming to the recruitment rules. The consideration regarding regularisation of the applicants is to be strictly done in accordance with their streams and this exercise be completed expeditiously by the respondents as the applicants have rendered more than 10 years of service."

2. Alleged non-compliance of the aforesaid direction has given rise to the present Contempt Petition.

3. The learned counsel for the respondents submitted a copy of the compliance affidavit in the court which is taken on record. He has also placed before us a copy of an order passed by the respondents on 1.10.2002 (A-R) of the compliance affidavit which shows that it has not been possible for the respondents to regularize the petitioners mainly due to non-availability of posts under the direct recruitment quota. The same order further indicates that efforts are still being made by the respondents to regularize the petitioners subject to availability of vacancies in due course and after the petitioners have passed a qualifying trade test. As a matter of fact, the petitioners are being directed by the respondents to appear for the qualifying trade test so as to enable the respondents to regularize their services in course of time.

4. The learned counsel appearing on behalf of the petitioners submits that it is not correct that posts do not exist against which the petitioners could be regularized. According to him, the petitioners already

hold posts against which they are working on hand receipt basis. We cannot accept this argument. Holders of positions on hand receipt basis cannot be termed as holders of regular posts. The contention raised by the learned counsel, therefore, fails.

5. In the aforesated circumstances, we conclude that the respondents have complied with the Tribunal's order substantially and adequately and there is no whisper of contumacious or wilful disobedience. The Contempt Petition must, therefore, fail and is dismissed. Notices are discharged.

S. Raju

(Shanker Raju)
Member (J)

/sunil/

S.A.T. Rizvi

(S.A.T. Rizvi)
Member (A)