

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

LP 563/2001  
OA 1551/2000

33

New Delhi this the 30 th day of September, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

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

1. Anil Kumar S/O Sh. Vijay Pal Singh  
H.No. 2110/1E Prem Nagar,  
Gali No. 10, New Delhi-8
2. Bijender Kumar S/O Sh. Dukhit Mehto,  
RZB 309/1, Nihar Vihar, Nangloi,  
New Delhi -41
3. Vijay Singh S/O Sh. Rajender Prasad Singh,  
2117/A Prem Nagar, West Patel Nagar,  
New Delhi - 110 064
4. Bhupender Singh S/O Shri Om Prakash,  
T 677, BN/6A Ranjit Nagar,  
New Delhi-6
5. Vijay Kumar Singh S/O Shri Anup Singh.  
T 677, BN/6A Ranjit Nagar,  
New Delhi-6
6. Vinod Kumar Singh S/O Shri Anup Singh.  
T 677, BN/6A Ranjit Nagar,  
New Delhi-6

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34

7. Sanjay Kumar S/O Shri Mani Ram,  
H. No. 2109/1, Prem Nagar, Gali No.10,  
New Delhi-6
8. Bharat Bhushan S/O Shri Mani Ram,  
H. No. 2109/1, Prem Nagar, Gali No.10,  
New Delhi-6
9. Kumar Gaurav S/O Shri Vijay Pal Singh,  
H. No. 2110/1E, Prem Nagar Gali No. 9,  
New Delhi-8
10. Devender Singh S/O Shri Jay Karan,  
H3 DMS Colony, Near Shadi Pur Depot,  
New Delhi-8
11. Manvir Singh S/O Shri Amar Singh,  
T 510 F 24C/4, Baljit Nagar,  
New Delhi-8
12. Anil Kumar S/O Shri Kirpal Singh,  
29/407, DMS Colony, Hari Nagar,  
Ghanta Ghar, New Delhi-64
13. Lokesh Chand S/O Shri Hukam Chand,  
D 624, Baljit Nagar, New Delhi-8
14. Ombir Singh S/O Shri Asha Ram Singh,  
T510, F 240/4, Baljit Nagar, N.Delhi-8
15. Sampal Singh S/O Jay Karan Singh,  
H3, DMS Colony, Near Shadi Pur Depot,  
New Delhi-8
16. Santar Pal Singh S/O Shri Rohtas Singh,  
T 510, F24C/4, Baljit Nagar, N.Delhi-8
17. Satya Parkash Singh S/O Shri Amar Nath Singh,  
E 6/12, Sultanpuri, Delhi-41

8

35

18. Rakesh Kumar S/O Sh. Ram Naresh Dubey,  
T-605, Baljit Nagar, Prem Nagar Road,  
Vijay Park, Near Shadhi Pur Depot,  
New Delhi-8
19. Manoj Kumar S/O Sh. Ram Kumar,  
D 625, Baljit Nagar, N.Delhi-8
20. Naresh Kumar S/O Shri Sansar Chand,  
H-33, DMS Colony, Near  
Shadipur Depot, N.Delhi-8
21. Shashi Kant S/O Sh. Shiv Govind  
T 7831, AR1, Baljit Nagar,  
Gali No. 8, New Delhi-8
22. Dalip Kumar S/O Shri Jai Kishan Mahto,  
139/200, Sector 5, Rohini,  
Delhi-85
23. Ajay Kumar S/O Sh. Chhotendra Prasad Singh,  
Sector 4, 573, Timarpur, Near Balak Ram Hospital,  
Delhi-54
24. Vinod Kumar Yadav S/O Shri Ram Samuth Yadav,  
T 452, Baljit Nagar, Gali No. 21,  
Nav Durga Mohalla, N.Delhi-8
25. Vinod Kumar S/O Sh. Ram Bharat Yadav,  
S/O Vijay Singh, 16/227, DMS Colony,  
Hari Nagar, Ghantagarh N.Delhi-64
26. Naresh Kumar S/O Shri Mangat Ram,  
Vill Gokul Pur Loni Mor,  
In Front of Authority
27. Neeraj Kumar S/O Sh. Khagesh Mahto,  
24/334, DMS Colony, Hari Nagar,  
Ganta Ghar, New Delhi-64
28. Jitender Kumar S/O Sh. Shyam Lal,  
Pocket G, Block No. 29, Sector III,  
House No. 221, Rohini, Delhi-85

29. Ravinder Kumar S/O Sh. Jagpal Singh  
H.No. 2099/A, Prem Nagar, Gali No. 15,  
New Delhi.
30. Pritam Kumar S/O Jagdish Chand,  
2/32/A19, Prem Nagar, Gali No. 3,  
New Delhi.
31. Dev Dutt Sharma S/O Sh. Pehladi Singh,  
C/O Vijay Singh 16/227, DMS Colony,  
Hari Nagar, Ghanta Ghar, New Delhi-6
32. Anil Kumar  
S/O Shri Jagdish Choudhary,  
12/167, DMS Colony, Hari Nagar,  
Ghanta Ghar, New Delhi-64
33. Jagdish Kumar  
S/O Shri Ram Chander Pandey,  
J 2470/A 1, Gali No. 21,  
Baljit Naga, New Delhi-8
34. Rajender Singh,  
S/O Shri Rambir Singh,  
T 510, F 24 C/4, Baljit Nagar,  
New Delhi-110006

..Petitioners

(By Advocate Shri S.M. Garg, learned  
counsel through proxy counsel Ms Manju  
Aggarwal )

VERSUS

1. Shri D.K. Biswas,  
Secretary,  
Ministry of Agriculture,  
(Deptt. of Animal Husbandry and  
Dairy ), Krishi Bhawan,  
New Delhi.
2. Shri R.M. Misra,  
General Manager,  
Delhi Milk Scheme, West Patel Nagar,  
New Delhi.

..Respondents

(By Advocate Shri N.S. Mehta, learned  
senior counsel with Shri Rajinder  
Nischal, learned counsel through proxy  
counsel Shri Asish Nischal )

O R D E R (ORAL)

(Honble Smt. Lakshmi Swaminathan, Vice Chairman (J))

Learned proxy counsel for the petitioners seeks an  
adjournment on the ground that counsel is unwell and he

37

wishes to be heard. It is settled law that the petitioners who have brought out certain facts in the Contempt Petition (CP) on which notices have been issued to the respondents, may assist the Court but essentially the Contempt Petition is between the Court and the alleged contemnors. Having regard to several pronouncements of the Hon'ble Apex Court in this regard we have, therefore, considered it proper to hear the learned senior counsel for the respondents. We have also perused the relevant documents, including the Contempt Petition filed by the petitioners alleging wilful and contumacious disobedience of the Tribunal's order dated 22.12.2000.

2. In Tribunal's aforesaid order in OA 1551/2000, the following direction was given in Para 13(1):-

"(1) The respondents while counting the period of actual working days of the applicants (Badli Workers) shall also add the number of weekly offs and three National holidays in the number of actual working days of the applicants, if not already counted and out of those workers who are found to have completed 240 days then in accordance with the provision of Para 4(iii) of the Standing Orders, the said Badli workers shall be transferred to the regular establishment".

3. Admittedly, the above order has been upheld by the Hon'ble Delhi High Court and the Hon'ble Supreme Court. Learned senior counsel for the respondents submits that the respondents have passed Annexures AAIII dated 15.1.2003 and 25.8.2003, in compliance with the directions of the aforesaid order of the Tribunal. We note that detail annexures have been given by the respondents giving

13

38

the calculations of computation of 240 days for the year 1999-2000 in respect of each of the applicants, in terms of the Tribunal's directions. They have also given the statement of the national Holidays and weekly offs during the 12 months in question.

4. The Tribunal had directed the respondents to count the period of actual working days of the applicants (Badli workers), including the weekly offs and three national holidays, if not already counted, to ascertain whether they have completed 240 days as required under the Standing Order. On perusal of the aforesaid documents annexed to the compliance affidavit filed by the respondents dated 27.8.2003, we are satisfied that the respondents have done the necessary exercise as directed and find that the applicants have not completed the required 240 days of service. If the applicants have any further grievance as to the manner in which the calculation has been done, as submitted by the learned counsel for the respondents, that is a different matter. In the circumstances of the case, it cannot be held that the respondents have committed wilful and contumacious disobedience of the Tribunal's order warranting further action being taken against them for punishment under Section 17 of the Administrative Tribunals Act, 1985 read with the provisions of Contempt of Courts Act, 1971.

5. In this view of the matter, CP 563/2001 is dismissed. Notices issued to the alleged contemnors are

39

discharged. File be consigned to the record room.  
However, in the circumstances of the case, liberty is  
granted to the applicant as advised.

V.K. Majotra

( V.K. Majotra )  
Member (A)

Smt. Lakshmi Swaminathan

( Smt. Lakshmi Swaminathan )  
Vice Chairman (J)

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