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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 59/2001 IN OA 2226/2000

New Delhi, this the 1st day of August, 2001

Hon'ble Shri Govindan S. Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri Manoj Kumar
S/o Shri Raghunath Singh
R/o Sector 5/1600,
R.K.Puram, New Delhi - 110 022.

...Applicant

(By Advocate Shri Jagdev,
proxy for Dr. Surat Singh)

V E R S U S

1. Shri C.M. Vasudev
Secretary (Expenditure)
Ministry of Finance
128-C, North Block
New Delhi.

2. Shri G.R. Wadhwa
Joint Director
Cost Accounts Branch
Department of Expenditure
Ministry of Finance
2nd Floor, 'C' Wing
Lok Nayak Bhawan
New Delhi.

...Respondents

(By Advocate Shri R.D. Agarwala with
Shri Rajinder Nischal)

O R D E R (ORAL)

By Hon'ble Shri Govindan S. Tampi,

Shri Jagdev, proxy counsel for Dr. Surat Singh presses this CP stating that the order passed on 30-10-2000 by the Tribunal while disposing the OA 2226/2000 has not been given effect to and a junior person i.e. Anil Kumar has been engaged by the Department in direct violation of the Tribunal's specific directions.

2. Shri R.D. Agarwala, learned counsel for the respondents pointed out that there has been no contempt committed by the respondent and invited our attention to his counter dated 15-3-2001. He points

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out that three individuals i.e. Manoj Kumar, the applicant, Satraj and Ranveer Singh were engaged as Casual Labourer on 2-5-2000 for a period of 89 days at the end of which their services have been correctly dispensed with. In terms of the order of the Tribunal, the respondents had been directed that juniors to the applicant and freshers should not engaged after 31-10-2000 in preference over him. The date 31-10-2000 is a specific date. And none has been so engaged. More than a month before the issue of Tribunal's order on 30-10-2000, the respondents had engaged on 5-9-2000, one Anil Kumar. Annexure A-2 filed with the counter is a letter dated 22-11-2000 addressed to the applicant, relevant part of which is reads as below :-

" As this office had to engage someone for doing the work of sweeping floor/cleaning toilets etc., you were asked to state whether you were interested in the said job which you refused and someone else had been recruited to perform the job. Though on engagement as casual labour for a limited period, one does not have any claim, nevertheless, you are hereby informed to state whether you are willing to be considered for the sweeping job in this office,. Your willingness or otherwise should reach this office within 15 days of this letter otherwise it will be assumed that you are not interested in the sweeping job in this office. "

The applicant had declined the above job. Anil Kumar is engaged for the above work and the applicant does not have any reason to complain, in the above circumstances, about the alleged violation of the Tribunal's order by the respondents, according to Shri Agarwala.

3. We have carefully considered the matter and perused the papers brought on record. The engagement of Shri Anil Kumar which the applicant is assailing has taken place on 5-9-2000 is much before

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the directions of the Tribunal dated 31-10-2000. Even otherwise he is engaged to do a job which the applicant has declined. We are, therefore, convinced that there is no violation, let alone any deliberate or contumacious violation of the Tribunal's order by the respondents.

4. CP 59/2001, in the circumstances, having no merit fails and is accordingly dismissed. Notices to the alleged contemnors are discharged.

S. Raju

(SHANKER RAJU)
MEMBER (J)

(GOVINDAN S. TAMPI)
MEMBER (A)

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