Central Administrative Tribunal
Principal Bench

C.P.No.648/2001 IN
O.A. No. 1357 of 2000
with
C.P.No.649/2001 in
O.A.No.1358/2000

New Delhi, dated this the 13th, May, 2002

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

C.P.No.648/2001:

1. Devinder Kumar S/o Shri Hem Raj,
R/o 56-4401, Rehgar Pura,
Karol Bagh,
New Delhi.

2. Brijesh Kr. S/o Sh. Munna Lal,
R/o RZ-83, Nala Par Basti,
East Sagar Pur, New Delhi.

3. Om Prakash S/o Sh.Anirudh Rai,
R/o RZ-20, Palam Road,
East Sagar Pur, New Delhi. ...Petitioners

(By advocate: Shri S.C.Saxena)

Versus

Shri Anil Kumar
Secretary,
Ministry of Textiles, Udyog Bhawan,
New Delhi. ...Respondent.

(By advocate: Shri N.S.Mehta)

C.P.No.649/2001:

Raj Kumar
S/o Shri Ram Pal Tanwar,
B-85, Krishna Kunj Gali,
North Ghonda, Delhi. ...Petitioner

(By advocate: Shri S.C.Saxena)

Versus

Shri Anil Kumar
Secretary,
Ministry of Textiles, Udyog Bhawan,
New Delhi. ...Respondent.

(By advocate: Shri N.S.Mehta with Shri J.B.Mudgil)

ORDER(ORAL)

By Hon'ble Shri Shanker Raju, Member(J)

As both the CPs involve common questions of facts and law, we proceed to dispose of the same by this common order.

2. Petitioners assail wilful and contumacious disobedience on the part of the respondents of the directions issued by Tribunal in OAs 1357/2000 and 1358/2000 dated 2.5.2002 4.5.2001 wherein respondents had been directed to consider the case of the applicants for re-engagement on availability of work with them in preference to juniors and freshers.

3. Learned counsel referring to few casual labour engagement by the respondents namely, S/Shri Manoj Kumar, Dharamvir, Man Singh and Hari Chand and other 3 filed an additional affidavit contended that they are juniors to the applicant as having lesser number of days rendered as casual labour. In view of this as juniors have been engaged by the respondents there is a wilful and contumacious disobedience by the respondents which consequently make them liable to be dealt with in accordance with law under the Contempt of Courts Act, 1971.

4. On the other hand, learned Sr. counsel of the respondents Shri N.S.Mehta, denied the contention and stated that having regard to the fact that these persons had already worked in the past they are senior to the applicants and further stated that they are no more in engagement with the respondents. As such there is no wilful defiance of the directions of this court by the respondents.

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5. We have carefully considered the rival contentions of the parties and perused the material on record. In view of the decision of J.S.Parihar Vs. Ganpat Duggar AIR 1997 SC 113 as the parties have not taken up the issue regarding seniority for casual labour whether to be on the basis of number of days rendered or on the basis of their working and the matter is contentious, we do not proceed to further probe in this contempt proceedings. We also do not find any defiance by the respondents. Accordingly both CPs are dismissed and notices are discharged. However, this will not preclude the applicants from taking up appropriate proceedings for their subsisting grievance in accordance with law. No costs.

S. Raju

(Shanker Raju)
Member (J)

S.A.T. Rizvi

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

/kd/