

(41)

Central Administrative Tribunal  
Principal Bench

C.P. No.65/2002 in  
O.A. No.2450/2000

New Delhi, this the 21<sup>st</sup> day of March, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)  
Hon'ble Shri V.K. Majotra, Member (A)

Sumer Singh,  
S/o Shri Nand Lal,  
R/o Village & P.O. Kanharvas,  
Tehsil Kosli,  
Distt. Rewari (Haryana)

-Petitioner

(By Advocate: Shri G.D. Bhandari)

Versus

1. Shri Kanwar Jeet Singh,  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Shri Laxman Mazumdar,  
Divisional Railway Manager,  
Northern Railway,  
Bikaner.

-Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R

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

Respondents had vide an order dated 20.5.1999 rejected applicant's claim for incorporation of his name in the Live Casual Labour Register (LCLR). The said order was challenged in OA No.2450/2000, which was allowed on 23.11.2001 as follows:-

"For the reasons mentioned in the preceding paragraphs, the impugned order dated 20.5.1999 has to be quashed and set aside. I direct accordingly. The respondents are directed to incorporate the name of the applicant in the LCLR from due date and assuming that he started working as a casual labour from 1.2.1975. They are further directed to grant him all the consequential benefits with reference to the benefits which might have accrued to his juniors in the meanwhile.

The present OA is allowed in the aforesaid terms. No costs".

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2. The present Contempt Petition has been moved against alleged refusal of respondents to comply with the aforestated directions of this court. Learned counsel of the applicant stated that despite 4th round of litigation on the issue of regularisation of the services of the applicant who had started working as a casual labour w.e.f. 1.2.1975, respondents have appointed him now as a Safaiwala on the basis of screening conducted on 7.5.1998. His seniority as a casual labour has not been related to Gangman in the Engineering Department. Respondents have not conducted any screening test between 1975 and 1997 and as such the respondents have lost sight of the spirit of the Tribunal's order.

3. On the other hand, learned counsel of the respondents contended that applicant's name has been included in LCLR from the due date assuming that he started working as a casual labour from 1.2.1975. One Shri Surja Ram S/o Shri Chanan Ram whose date of engagement as casual labour is 24.9.1975 and thus junior to the petitioner was screened for regular absorption in Group 'D' vide screening panel dated 7.5.1998. Our attention has been drawn to Annexures R-11 and R-12. Annexure R-12 dated 15.1.2003 relates to screening of CPC casual labour for regularisation on Group 'D' post. With the approval of General Manager and in pursuance of directions of the court, among others applicant has been re-engaged on Group 'D' post on being found fit for Safaiwala Sanitation.

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Annexure R-11 are the recommendations of the Screening Committee for screening held on 24.11.97 at Bikaner and Supplementary screening held on 30.1.1998 at RE. Applicant's junior Shri Surja Ram who was initially engaged as Casual Labour under the IOW/LGH on 24.9.1975 was found fit as Safaiwala Sanitation subject to medical fitness. Vide Annexure R-13 dated 17.1.2003, applicant's name has been interpolated at item No.6-A, just below the name of Shri Kamla Prasad S/o Shri Tej Bahadur under CHI/RTGH and above the name of Shri Surja Ram S/o Shri Chanan Ram (SC), Safaiwala under CHI/Bikaner in the screening panel of Sanitation Safaiwala (Annexure R-11). Vide Annexure R-14, applicant's pay as Safaiwala Sanitation has been fixed as Rs.2840/- w.e.f. 30.5.2002 and Rs.2900/- w.e.f. 1.9.2002 as per his seniority vis-a-vis to his junior Shri Surja Ram S/o Shri Chanan Ram Sanitation Safaiwala.

4. Learned counsel of the applicant tried to find fault with Annexure R-11 on the basis of dates of initial engagement of individuals stating that while allotting serial numbers, these dates have not been taken into consideration.

5. We have carefully gone through the contents of this document and we find that apart from the date of initial engagement of the individuals as casual labour, respondents have taken into consideration the

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total number of <sup>days</sup> ~~dates~~ as casual labour put in by the individuals. As per this statement, Shri Kamla Prasad had put in 791 days as casual labour upto 24.11.97. Shri Surja Ram had completed 764 days as casual labour. Their dates of intial engagement were 12.4.70 and 24.9.75. Applicant had intially joined on 1.2.1975. His name has been incorporated in Annexure R-11 between the names of Shri Kamla Prasad and Shri Surja Ram.

6. Having regard to the steps taken by the respondents in compliance of this Tribunal's orders dated 23.11.2001, respondents have incorporated applicant's name in the LCLR assuming that he started working as casual labour from 1.2.1975. They have also granted him the consequential benefits with reference to the benefits accorded to his junior Shri Surja Ram. As such, we do not find any wilful and contumacious contempt <sup>by</sup> ~~by~~ the respondents. CP-65/2002 is, therefore, dismissed and the rule discharged.

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

Lakshmi Swaminathan  
(Smt. Lakshmi Swaminathan) 21/3  
Vice-Chairman (J)

cc.