

## 62 ✓

DECIDED ON : 24.03.1992

... Petitioners

Vs.

### ... Respondents

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN  
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

For the Petitioners - Shri B. S. Mainee, Counsel

For the Respondents - Shri N. S. Mehta, Sr.  
Standing Counsel

ORDER (ORAL)

Hon'ble Mr. Justice V. S. Malimath, Chairman :-

As per our earlier directions, the Secretary, Railway Board, is personally present. An affidavit has also been filed. The counsel for the petitioners has also filed a statement showing the precise extent of non-compliance with the judgment of the Tribunal. Learned counsel for the petitioners rightly and fairly submitted that there has since been compliance with the judgment of the Tribunal except in regard to conferment of temporary status to the petitioners. He submitted that temporary status has been accorded w.e.f. 10.8.1984 where<sup>as</sup> it should have been accorded from earlier dates as has been accorded to others similarly situate. There cannot be any doubt that there has been considerable delay in the matter of compliance with the directions of the Tribunal.

Shri Mehta, learned sr. standing counsel appearing for the respondents conveyed the apology on behalf of the respondents for the delay in complying with the judgment of the Tribunal. An affidavit has been filed in which an unconditional apology has been expressed in this behalf. In these circumstances, we are inclined to accept the unconditional apology in regard to the delay in complying with the judgment.

2. So far as the grievance of the petitioners is concerned in regard to temporary status, Shri Mehta rightly pointed out that the specific direction in regard to conferment of temporary status did not cover the case of the petitioners who were the applicants in O.A. 1325/87. The specific relief in this behalf has been granted in favour of the petitioners in other connected O.A.s which have been adverted to in direction No.2 of paragraph 38 of the judgment. Hence, we are inclined to accept the submission of Shri Mehta that so far as the petitioners in O.A.1325/87 who are the complainants in this case are concerned, there is no direction in regard to conferment of temporary status with effect from any particular date. Hence, we are not in a position to accept the contention of Shri Mainee that there still remains something to be done to comply with the judgment of the Tribunal so far as the petitioners are concerned. Hence, no further question survives for consideration in these contempt of court proceedings. It is, however, maintained by the learned counsel for the petitioners that there is

no justification in granting temporary status to the petitioners w.e.f. 10.8.1984 particularly when others similarly situate have been accorded temporary status from much earlier dates. As it is not a matter which stands covered by the directions in the judgment earned by the applicants in O.A.1325/87, we do not consider it right to examine the correctness of this contention in these contempt of court proceedings. Shri Mehta rightly and fairly submitted that if the petitioners file a representation pointing out the mistakes in the matter of according the different dates of temporary status, the same would objectively be examined and if any mistakes have been committed, the same would be corrected. We have no doubt that if the petitioners file an appropriate representation giving the relevant facts and materials in this behalf, the respondents, as stated before us, would examine the same objectively and render an appropriate decision in this behalf with utmost expedition.

With these observations, we drop these proceedings for the reasons stated above. CCP-205/90 & CCP-282/91 stand disposed of. Rule discharged. No costs.

(P.C. JAIN)  
MEMBER (A)

(V. S. MALIMATH)  
CHAIRMAN