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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.1116/89
G.C.P.No.49/90

DATE OF DECISION: 25-7-1990

Mrs. Purnima Dutta Choudhary	Petitioner
Shri Anis Suhrawardi	Advocate for the Petitioner(s)
Versus	
Union of India	Respondent
Shri Inderjit Sharma	Advocate for the Respondent(s)

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The Hon'ble Mr.P.Srinivasan, Member (A).
The Hon'ble Mr.T.S.Oberoi, Member (J)

JUDGEMENT (ORAL)

DELIVERED BY HON'BLE MR.P.SRINIVASAN, MEMBER (A)

In this petition the applicant in application No.1116/89 complains that the respondents therein have not so far complied with our order in ^{for} his favour dated 18.7.1989 disposing of that application. While disposing of application no.1116/89 we had directed respondents therein, viz. the General Manager, Northern Railway:

- (i) to hold a screening test as a special case in respect of the applicant for regularising her in the post of Khalasi within three months from the date of the order. We also observed that the applicant having admittedly worked as a typist for long years, the respondents should find no difficulty in regularising her, screening being only a formality in her case;
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ii) that after regularising the applicant as Khalasi, as directed at (i) above, the respondents should consider her for case promotion as a typist, relaxing the requirement of three years' regular service as Khalasi. In giving this direction we were influenced by the admitted fact that she had been carrying out typing duties for 8 years satisfactorily. The direction regarding considering her case for promotion was to be carried out within a period of three months from the date, she was regularised as Khalasi. Thus both our directions were to be carried out within 6 months from the date of the order.

The applicant complains that our directions as above have not been implemented so far and prays that proceedings in contempt be initiated against them.

Shri Anis Suhrawardy, Counsel for the applicant submitted that it is over a year since we passed the order and the respondents should have implemented it by now.

Shri Inderjit Sharma, Counsel for the respondents submits that as per the judgement of the Supreme Court in Inderpal Yadav's case, persons working as casual labourers should be considered for regularisation as Khalasi in the order of their length of service. In terms of that judgement the applicant figured at S.No.941 in the list of casual labourers. The Railways, therefore found it difficult to consider her case for screening

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and regularisation as Khalasi ignoring casual labourers with longer period of service. Shri Sharma also stated that it was not the intention of the Railways to disobey the order of this Tribunal but to implement it in the best possible manner in due course. He, therefore, submitted that the respondents would require at least three months' time to sort out all attendant problems.

Further there were some matters now receiving the attention of the Railway Board in regard to regularisation in posts of Khalasis and as and when these problems are resolved the case of the applicant would also be considered in terms of our order. Shri Sharma, therefore, pleaded, to avoid embarrassment to the respondents, particularly with reference to the judgement of the Supreme Court in Inderpal Yadav's, ^{the} they may be allowed four months time to implement our order in application No.1116/89.

Shri Anis Suhrawardy, on behalf of the petitioner strongly opposed the prayer of Shri Sharma. He submitted that the facts of this case do not fall within the judgement of the Supreme Court in Inderpal Yadav's case. According to him, the respondents could even now implement our judgement.

After hearing counsel of both the parties and after giving careful consideration to the whole matter, we feel that it would be in the best interest of the applicant herself, if the respondents are allowed some more time to sort out the problems that lie in the way


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before they carry out our orders. We cannot ignore the fact that in a huge organisation like the railways some such problems do inevitably arise and in these circumstances, in spite of best efforts, the respondents are unable to implement our order within the time schedule we had set therein. In our opinion, this is not a case of wilful disobedience of the orders of the Tribunal where we should initiate proceedings in contempt against any official of the respondents. In view of what we were told today, the respondents may take suitable action within four months from today.

As a result, the proceedings in contempt are dropped and notice issued to the respondents discharged.

A copy of this order may be supplied to the counsel for both the parties.


(T.S. Oberoi)

Member (J)

 25/7/90
(P. Srinivasan)

Member (A)