

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 6 of 1996
in
O.A. NO. 149 of 1991

New Delhi this the 12th day of January, 1996.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Raj Ballabh Das S/O Jagashwar Das,
R/O B-18, Indira Camp,
Kalyanpuri, Delhi. ... Petitioner

(By Mrs. Meera Chhibber, Advocate)

-Versus-

1. Shri Bhaskar Ghosh,
Secretary, Ministry of
Information & Broadcasting,
Shastri Bhawan,
New Delhi. ... Respondents
2. Shri D. Rastogi,
Chief Engineer (North Zone),
Akashwani & Doordarshan,
Jamnagar House,
Shahjahan Road,
New Delhi-110011. ... Respondents

ORDER (ORAL)

Shri N. V. Krishnan, Acting Chairman —

Contempt is alleged in respect of the order dated 8.11.1991, Annexure CP-I, in which, inter alia, the following direction was issued :-

"3. The services of the applicant shall not be terminated till the selection of a suitable person as Khalasi is made. Even thereafter, the applicant shall be accommodated in any vacancy of casual labourer, so long as vacancy exists and his services shall not be replaced by a person with lesser length of service. The interim order passed on 17.1.1991, as modified above, is made absolute."

2. It is submitted that the services of the petitioner were terminated in 1992. The petitioner, however, did not file a contempt petition then. An M.A. was filed which was also subsequently withdrawn. It is now stated that in 1995, the petitioner came

to know that some persons junior to him have been continued and also been given temporary status. He, therefore, made a representation at Annexure CP-III on 20.2.1995. That representation was rejected by the CP-IV order dated 17.7.1995 stating that the benefit of the Department of Personnel scheme will not be applied to him.

3. The learned counsel submits that, therefore, limitation would count only from 17.7.1995.

4. We have heard the learned counsel. The order protected the petitioner to the extent of directing that he would be accommodated even after termination, if a vacancy existed, and that his services shall not be replaced by a person with lesser length of service. It was, therefore, the duty of the petitioner to have exercised vigilance when he was terminated to satisfy himself that these conditions were not violated by the respondents. Apparently, he has not done so. It cannot be claimed that limitation starts only from 17.7.1995. This, in our view, is a totally belated petition barred by the provisions of the Contempt of Courts Act.

5. Accordingly, the contempt petition is dismissed reserving liberty to the petitioner to seek such other remedy as may be available to him under law.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

N. V. Krishnan (21.76)
(N. V. Krishnan)
Acting Chairman

/as/