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CENTRAL ADMINISTRATIVE TRIBUNAL. PRINCIPAL BENCH

CP No. 315/98 in OA No. 3104/91

New Delhi, this 22nd day of April, 1999

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Inderjit Singh
Adarsh Nagar Colony
Modi Nagar Road, Hapur
Near Ambedkar Library, Ghaziabad .. Petitioner

(By Shri B.B. Raval, Advocate)

versus

1. Secretary
Ministry of Urban Development
Nirman Bhavan, New Delhi
2. Shri Surinder Pal
Director General, CPWD
Nirman Bhavan, New Delhi .. Respondents

(By Shri K.C.D. Gangavani, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

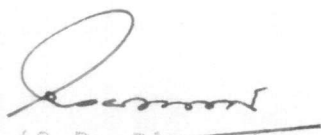
In fact, the petitioner had earlier filed CP No. 257/97, which was disposed of on 27.11.97 with the following observations:

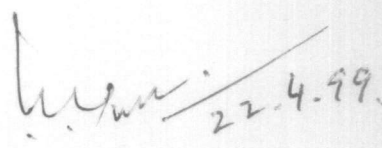
"If the applicant is aggrieved and is able to show that the persons regularised in the year 1990 or before are with lesser service than that of the petitioner and the persons who have been engaged before January, 1992 are with lesser service than that of the petitioner, he may revive this contempt petition by filing an MA. Liberty is also given to the petitioner to revive this MA in case any other regularisation or re-engagement has been done by the respondents contrary to the statement made in the reply"

2. Pursuant to the above, the petitioner filed MA 114/98 seeking directions to the respondents for compliance of the orders passed in OA 3104/91 dated 17.3.97. However as per the Tribunal's order dated 13.11.98, for the reasons mentioned therein, this MA was ordered to be treated as CP and listed before the

Division Bench. In the petition, applicant alleges non-implementation of the directions passed in O.A. 3104/91. 46

3. Upon hearing the learned counsel for the parties and perusing the material placed before us, including the affidavits filed by the respondents, we find that the services of the applicant were engaged on daily wage basis for performing job of casual nature/seasonal work on four occasions, i.e. from 22.4.88 to 30.9.88, 8.5.89 to 30.9.89, 15.4.90 to 30.9.90 and 30.4.91 to 31.1.92, after which his services were disengaged. We further find that the contention of the petitioner that persons with lesser service have been regularised is not substantiated by any valid proof. On the other hand, all the five casual labourers engaged in April, 1988 were regularised in January, 1991 as per exigencies of work available with the respondents and had more number of days working to their credit. It is for the respondents to ensure that there has been no discrimination against the applicant since the date of initial engagement of all the five is the same, i.e. 22.4.88 and that if there were work available with the respondents, they could accommodate the applicant. But as regards petitioner's case of contempt, we are of the considered view that the petitioner has not made out a case for entertaining this CP or for initiating contempt proceedings against the respondents. In the result, the CP is dismissed being devoid of any merit.


(S.P. Biswas)
Member (A)


(T.N. Bhat)
Member (J)

/gtv/