

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. CCP 208/92.in
OA-2889/91

DATE OF DECISION: 1.9.1992

Virender Kumar.

... Petitioner.

Versus

Union of India.

... Respondent.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... Ms Jasvinder Kaur,
Counsel.

For the Respondent.

... Om Prakash
Shekhawat, proxy
for Sh.K.C.
Mittal, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The complaint in this case is that the directions in the judgement dated 21.4.1992 in O.A. 2889/91 have not been complied with. The direction is to continue the petitioner as casual labourer in the Laboratory in which he has worked and in case there is not enough work in the Laboratory, in the Ministry of Health and F.W. and its various attached/subordinate offices located in Delhi or elsewhere. The petitioner has complained in this case that even though he tried to report to duty, he was not permitted to report to duty and, therefore, there is violation of the direction of the Tribunal.

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2. In the reply filed by the respondents, they have stated that after the judgement was rendered, there is a further extension of six months by an order dated 6.5.1992, copy of which has been produced. They have made clear and categorical statements in the reply that in spite of several requests made and communications sent, the petitioner has not reported for duty. Some of the communications sent to him were returned with the endorsement 'Refused to accept'. They have taken all steps to serve the petitioner. The petitioner whenever asked to mark his attendance, he refused to sign the register. The fact that the petitioner was guilty of such refusal is supported by an affidavit of Dr. P.N. Verma, Director, Homoeopathic Pharmacopoeia Laboratory, Ghaziabad and other responsible officers. Though the petitioner has filed a rejoinder, nothing useful has been stated therein as to why we should disbelieve the sworn statement of the Director in regard to the conduct of the petitioner. In the circumstances, we are inclined to believe the statement of the Director that the petitioner refused to work and refused to sign the attendance register. On the material placed before us, we are satisfied that the respondents made several efforts to comply with the directions of the Tribunal. They are really helpless in a situation like this. The allegation that there is violation of the directions of the Tribunal is not established. Hence, this petition is dismissed. No costs.

SDG

S. K. Rastgutra
(I.K. RASTGUTRA)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN