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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**C.P. NO.136/2006**

IN

**O.A. NO.1989/2004**

New Delhi this the 2<sup>nd</sup> day of August, 2006

**HON'BLE MR. V.K. MAJOTRA, VICE CHAIRMAN (A)  
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)**

1. Kanwal Pal  
S/o Sh. Ramphal,  
R/o A-361, Sanjay Colony,  
Okhla Phase-II, New Delhi-110020

2. Pawan Kumar Sahu,  
S/o Sh. Dineshwar Sahu,  
R/o D-374, West Vinod Nagar,  
Delhi-110 092

3. Ram Niwas,  
S/o Sh. Rishi Raj,  
R/o Village & P.O. Asaudha,  
Bahadurgarh, Jhajjar,  
Haryana

...Applicants/Petitioners

(By Advocate: Shri Sanjeev Mehta)

**Versus**

1. Union of India  
Through its Secretary (Sh. P.S. Rana),  
Ministry of Statistics &  
Programme Implementation,  
Sardar Patel Bhawan,  
Sansad Marg, New Delhi-110001

2. Sh. Madan Lal,  
Principal Accounts Officer (Admn),  
C/o Principal Account Office &  
Pay Account Office,  
Ministry of Statistics,  
Sardar Patel Bhawan,  
Sansad Marg, New Delhi-110001

3. Sh. N.K. Mishra,  
Controller of Accounts,  
Yojana Bhawan,  
Sansad Marg,  
New Delhi-110001

...Respondents/Contemners

(By Advocate: Ms. Meenu Mainee)

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**ORDER**

**By Mukesh Kumar Gupta, Member (J):**

Wilful disobedience and breach of directions contained in order dated 25<sup>th</sup> August, 2005 in OA No.1989/2004 is alleged in the present Contempt proceedings. The directions issued therein read thus:

*"8. Counsel for applicant has relied on the judgment of Central Welfare Board and Ors. Vs. Anjali Bepari and Ors given by the Hon'ble Supreme Court reported in 1996 (10) SCC 137) but that case would not attracted herein asmuch as in that case, the respondents were appointed against casual vacancy in Central Social Welfare Scheme Board and were continued as such for a long period of over three years. Even though that project had wound up but there were other projects which were still operating and the casual labourers therein were continuing. It was in those circumstances that Hon'ble Supreme Court directed the Board therein to continue the respondents in any other temporary Scheme and to consider, the respondents who were retrenched, in future vacancies without requisitioning names from the Employment Exchange that too in accordance with seniority. It was also held therein that for the purpose of retrenchment principle of last come first go shall apply. Technically speaking the said judgement will not be applicable in the present facts because there casual labourers were engaged in projects which were continued from time to time whereas in the present case, respondents have stated categorically that they do not need any casual labour at present. Therefore, in the absence of any work, no direction can be given to the respondents to reengage the applicants. Therefore, the relief as sought for by the applicants cannot be given to them. The only relief that can be given is that in case the respondents need to reengage casual labour in future they shall consider the applicants as well for reengaging them in preference to freshers and juniors from open market."*

2. Shri Sanjeev Mehta, learned counsel appearing for applicants contended that they were appointed as Casual Labourers after their selection by an Interview Board and on being sponsored by Employment Exchange. Their services were terminated illegally on 17.01.2004, which had been challenged vide OA No.238/2004. The said OA was disposed of vide order dated 11.02.2004 with directions to Respondents to pass

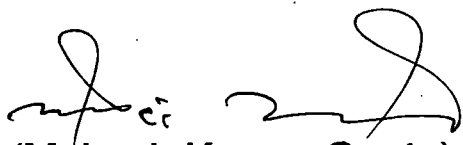
speaking order on the representation made by them. Vide Memorandum dated 14.07.2004, Respondents frivolously informed them that they do not need any casual labourers though they had invited applications for post of Peon in SC quota. This aspect had been noticed in the aforesaid order dated 25.08.2005. Despite the fact that applicant no.1, pursuant to said notification, applied for post of Peon being a SC candidate and having requisite experience and also discharging duties of Peon, yet he was not considered. Pursuant to aforesaid direction, they had submitted a representation dated 20.02.2006 requesting them to reengage them as casual labourers as it had come to their notice that Respondents were appointing casual labourers from open market in total disregard to directions issued by this Tribunal. Respondent No.1 awarded contract in favour of M/s. Babu Ram for providing labourers initially for a period of three months from 1.11.2005 to 31.01.2006 at the rate of Rs.50,190/- per month, yet applicants were not reengaged. It is contended that this action of Respondents is contumacious in nature and wilful and deliberate violation of directions issued vide aforesaid order.

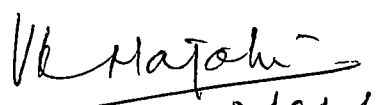
3. Respondents filed their reply and stated that Offices of Respondents No. 2 and 3 have nothing to do with issuance of advertisement for hiring casual labourers in the Ministry. The controlling authority is Controller General of Accounts under Ministry of Planning and Statistics and P.I. The Ministry has no role to play in the Office affairs of Respondents No.2 and 3. There is no requirement for casual labourers as there is sufficient staff in Offices of Respondent No.2 and 3 to do required work. Applicants had worked only for a period from 24.3.2003 to 17.1.2004. In other words, they had not even completed one full year of service as casual labourers. Respondents No. 2 and 3 have not engaged any casual labourers since their disengagement and the allegation that casual labourers were being

appointed through Contractor is baseless, false and frivolous. Applicant No.1 was not considered for post of Peon at that point of time, as he did not fulfil the conditions required under Recruitment Rules. Claim of applicants that contract labourers are still continuing in offices of Respondents No.2 and 3 has been emphatically denied. Vide reply paras 11 – 13, it is stated that in case there is any need in the Office for casual labourers, applicants would be duly considered.

4. We heard learned counsel for parties and perused the pleadings carefully.

5. A perusal of above directions would show that in case Respondents need to re-engage casual labourers in future, they shall consider applicants, giving them preference to freshers and juniors from open market. It is the specific stand of the Respondents Nos. 2 and 3, as noticed hereinabove, that no casual labourers have been engaged after applicants' disengagement in the said capacity. Therefore, we are unable to conclude that there is any wilful disobedience/violation of directions issued by this Tribunal. Contempt Petition is accordingly dismissed. Notice issued to Respondent No.2 is discharged.

  
(Mukesh Kumar Gupta)  
Member (J)

  
(V.K. Majotra) 21/8/06  
Vice Chairman (A)

/PKR/