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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. NO.310/2005

in

O.A. NO.2784/2004

This the 4th day of October, 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Raj Kumar Guleria S/O Kehar Singh Guleria
2. Krishan Gopal S/O Banta Ram
3. Jeewan Singh S/O Hukam Singh
4. Barinder Singh S/O Prem Singh
5. Arun Kumar Singh S/O Adhikari Singh
6. Laxman Singh S/O Padam Singh
7. Om Prakash S/O Ram Chander
all are C/O Regional Passport Office,
HUDCO TRICOOT-3, Bhikaji Cama Place,
New Delhi-110066.
8. Nihal Singh S/O Keshri,
H.No.399, Gali No.3,
Bhagat Singh Marg,
Mohna Road Ballabgarh,
Faridabad (Haryana).
9. Sunil Kumar Phadke S/O Krishna Laxman Phadke,
H. No.19-D Block-B, DDA SFS Flats,
East of Kailash, New Delhi-110065.
10. Amit Sharma S/O Sushil K. Sharma,
R/O 19 Ami Chand Khand,
Giri Nagar, Kalkaji,
New Delhi-110019.
11. Ms. Shashi Gupta D/O S.P.Gupta,
R/O B-92, Janta Flats, Rampura,
Delhi-110035.
12. Vinay Kumar S/O Mukh Lal Das,
R/O E-120 Dilshad Garden,
Shahdara, Delhi-110095.

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13. Dhannjay S/O Ramphal,
R/O A-141 Kidwai Nagar,
New Delhi-110003.
14. Shyam S/O Raghubir,
R/O H-77, Type-II,
SJH Staff Quarters,
West Kidwai Nagar,
New Delhi-110023.
15. Dhan Singh S/O Mahabir Singh,
R/O 1262 R.K.Puram,
Sector-1, New Delhi-110022.
16. Rajinder S. Chauhan S/O Gokul Singh,
R/O G-521, Nanakpura,
New Delhi-110021.
17. Ashok Badoni S/O H.M.Badoni,
R/O B-448, Sewa Nagar,
New Delhi-110003.
18. Bhawan Singh S/O Umed Singh,
R/O D-377, Pkt.III,
Bindapur DDA Flats,
New Delhi-110059.
19. Vishambar Datt S/O Hari Ram,
R/O Qr. No.866, Sector-1,
R.K.Puram, New Delhi-22.
20. Tara Datt S/O Hari B. Joshi,
R/O Qr. No.4, No.745 Sec.II,
Sadiq Nagar, New Delhi-49.
21. Harish Kumar Gehlot S/O R.S.Gehlot,
R/O B-2/67, Vijay Enclave,
Palam-Dabri Road,
New Delhi-110045.
22. Praveen Sharma S/O Dharam Singh,
#1/11173 Subhash Park,
Shahdara, Delhi-32.
23. Hari Singh Pal S/O Mata Din Pal,
93 Scindia Properties Compound,
Sarojini Nagar,
New Delhi-110023.
24. Sushil Kumar Yadav S/O Mahavir Singh Yadav,
220, Bada Kalia (Line Par),
Ghaziabad-201001.
25. Yogesh Sharma S/O Krishan Sharma,
R/O D-16, C.c.Colony,
Rana Pratap Bagh,
Delhi-110007.



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26. Rohtash Kumar S/O Daulat Ram,
R/O # 38 Khen Chand Market,
Khanpur Extension,
New Delhi-110062.
27. Ravi S/O Dhani Ram,
R/O K-4/11 Mohan Garden,
Uttam Nagar, New Delhi-110059.
28. Pradeep S/O Ram Rattan,
R/O Village & P.O. Dhansa,
New Delhi-110073.
29. Ram Kishore Kalson S/O Daya Ram Kalson,
R/O Z-89 Dayagsir Marg,
Uttam Nagar, New Delhi-110079.
30. Gulzari Lal S/O Ganga Ram,
R/O # 16/717 Bapa Nagar,
Military Road, Karol Bagh,
New Delhi-110005.
31. Avinash S/O Rajinder Singh,
R/O RZ-38/323, Gali No.7,
Geetanjali Park, West Sagar Pur,
New Delhi-110046.
32. Janmohar S. Rawat S/O Maharban Singh Rawat,
R/O 171 Gulmohar Enclave DDA Flats,
New Delhi-110049.
33. Ajay Kumar S/O Jai Pal,
R/O 120 Sanjay Camp,
Dakshinpuri,
New Delhi-110062.

... Applicants

(By Shri R.N.Singh, Advocate)

Versus

1. Shri Shyam Sharan,
Secretary, Ministry of External Affairs,
South Block, New Delhi-110011.
2. Shri R.R.Dash,
Joint Secretary & C.P.O.,
Ministry of External Affairs,
Patiala House, New Delhi-110001.
3. Ms. Gloria Kumar,
Regional Passport Officer,
Ministry of External Affairs,
HUDCO, Tricoat-3,
Bhikaji Cama Place, R.K.Puram,
New Delhi-110066.

... Respondents

(By Shri T.C.Gupta, Advocate)

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ORDER**Hon'ble Shri V.K.Majotra, Vice-Chairman (A):**

In O.A. No.2784/2004 on 19.11.2004 orders were made that no coercive step including disengagement would be taken against applicants during the period when the matter regarding interim relief was considered and decided. The learned counsel of applicants pointed out that respondent No.3 did not allow applicants to mark their attendance and perform their duties on 21.7.2005 (Annexure A-3). He further stated that respondents did not allow applicants to perform their duties on computer/counter, which they have been doing since long/their initial engagement after 26.7.2005. Further that their representation in this regard has not been considered and respondents have threatened applicants that they would be disengaged from employment. Thus, it was alleged that respondents have resorted to coercive steps including disengagement inasmuch as vide Annexures R-7 and R-8 respondents have, though continued engagement of applicants, ordered a break in service of applicants for a day on each occasion.

2. On the other hand, the learned counsel of respondents stated that respondents have not taken any coercive step against applicants despite their unruly, rowdy and disruptive behaviour. He stated that these applicants have been indulging in grave misconduct and indiscipline in the Regional Passport Office of such a magnitude that it can create a serious law and order problem. The learned counsel denied the allegation that applicants were not permitted to mark their attendance on 21.7.2005. While applicants had been asked to complete a certain amount of work, they did not do so and left for their homes. They did not obey the orders of superiors. They were merely asked to report to JS (CPV) before signing the attendance register. However, they disobeyed. As regards the allegation that applicants are not being allowed to perform their duties on computer/counter since 26.7.2005, the learned counsel explained that applicants cannot claim as a matter of right to work only on a particular seat, such as working on computer or

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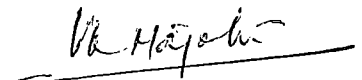
counter. Recent inspection had brought to light many cases of adverse police verification reports that were kept hidden in steel almirahs of the section with the result that timely action could not be initiated to immediately impound concerned passport. Applicants are not willing to do other than passport/counter work. They have resorted to make allegations lest disciplinary action/vigilance cases are initiated against them. It was not denied that a break in service vide Annexure R-7 dated 12.4.2005 and Annexure R-8 dated 6.7.2005 has been effected while re-engaging applicants, which is a usual practice.

3. While applicants cannot claim to be assigned duties on computer/counter only, such assignment is not treated as a coercive step by us. Asking applicants to appear before the JS before marking attendance on 21.7.2005 when they had left office on 20.7.2005 without completing the work is also no coercion by any means. To a suggestion that respondents should not effect a day's break in service on each occasion vide Annexures R-7 and R-8, the learned counsel expressed agreement. As such it is directed that respondents should set at naught the break in service for a day on each occasion vide Annexures R-7 and R-8 by modifying these orders to that extent. They shall issue such orders within two weeks from receipt of this order. With these directions, the contempt petition is disposed of and notices to respondents discharged.



(Shanker Raju)
Member (J)

/as/



(V. K. Majotra)
Vice-Chairman (A)

4.10.05