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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. NO.354/2004

in

O.A. NO.847/2004

This the 4th day of November, 2004.

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

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Satish Chand Chauahan S/O Pyarelal,
R/O House No.437, Sector-3,
R.K.Puram, New Delhi-110022.
2. Laloo Yadav S/O Tulsi Yadav,
WZ 315/1, G Block, Hari Nagar,
Near Sethi Coal Depot,
New Delhi-110064.
3. Jitendra Kumar S/O Babu Lal,
R/O H, A/C, T-29 Palam Airport,
East Mehram Nagar Colony,
New Delhi.
4. Balveer Singh S/O Rajpal Singh,
G, House No.2, Pappu Colony,
Post Pasonda,
Distt. Ghaziabad (UP).
5. Jorg Thomas S/O Prem Thomas,
House No.8/1, K Block,
Multi Storey, Sector 13,
R.K.Puram, New Delhi.
6. Rangi Lal S/O Mangal Singh,
M-14, Mahaveer Enclave,
Near Madrasi Colony,
Dawri Morh, New Delhi-45.

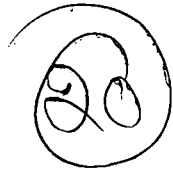
... Respondents

(By Shri Arvind Kumar Shukla, Advocate)

Versus

1. Air Comdr, Gautam Chaturvedi,
Air commanding Officer,
CSD Canteen, Race Course,
Air Force Station,
New Delhi-110003.





2. Wg. Comdr. R.K.Sharma,
Officer Incharge Canteens,
CSD Canteen, Race Course
Air Force Station,
New Delhi-110003.
3. Wg. Comdr. P. Verma (Retd.),
Canteen Manager, CSD Canteen,
Race Course, Air Force Station,
New Delhi-110003.

... Respondents

(By Ms. Rekha Palli, Advocate)

ORDER (ORAL)

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

OA No.847/2004 was disposed of vide order dated 20.8.2004 (Annexure-CPA/1) holding that applicants have been performing the work of loading and unloading as helpers for the last six to seven years and as such the work being done by them for the respondents is perennial in nature. The OA was disposed of with the following directions to the respondents :

“18. In the fitness of things, we dispose of this O.A. with a direction to the respondents to frame necessary scheme for regularizing the applicants and also to set out the structure of pay, allowances and other conditions of service within six months from the date of receipt of a copy of this order. Till then as it is not disputed that there is requirement of work with the respondents as performed by the applicants, they shall be continued in same capacity.”

2. Through the present application, applicants have alleged commission of contumacious contempt against the Tribunal's orders.

3. The learned counsel of applicants stated that applicants are not being allowed to enter the premises of the respondents to work with them in terms of directions of this Court. Respondents have appointed six other persons for doing the same work as was being done by the applicants. Respondents are alleged to have over-reached the directions of this Court and as such committed contempt of court.



4. On the other hand, the learned counsel of the respondents stated that respondents had sent letters to the applicants to re-join duty on daily wages but they did not turn up. On 13.10.2004 when applicants finally turned up at Canteen and they were told to join duty the same day verbally and through letters, they declined to take letters and refused to join till they were made permanent. She further pointed out that on 20.10.2004, three of the applicants, i.e., applicant Nos. 2, 4 and 6 appeared and showed willingness to do loading/unloading work on daily wages. They were allowed to work for that day, as work was available. These persons also worked on 21st, 23rd, and 25th October 2004 as there was a requirement of loading work. Respondents did not accept that any new persons were engaged for loading/unloading in place of the applicants.

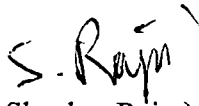
5. The learned counsel maintained that the loading/unloading work is available with respondents only occasionally. The applicants can be engaged on a daily basis whenever work of loading and unloading is available with the respondents.

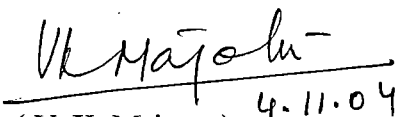
6. We have considered the respective contentions of the parties. It has been held by the Tribunal that the work of loading/unloading as helpers that was being done by the applicants for several years with the respondents is of permanent nature and that it cannot be treated as a seasonal work. In these facts and circumstances, not only that respondents were directed to formulate a scheme for regularizing the applicants and also to set out the structure of pay and allowances and other conditions of service within a period of six months, they were also directed to continue with the applicants as helpers for loading and unloading till the scheme as above was formulated and the applicants were considered for regularisation. Nothing has been stated on behalf of the respondents regarding steps taken towards formulation of the scheme and consequential consideration of applicants for regularisation in terms of the scheme. True that respondents still have time in terms of Tribunal's directions for





this aspect of the direction, however, respondents have misinterpreted the import of Tribunal's direction regarding engagement of the applicants for work as the Tribunal had found that applicants' work as helpers for loading/unloading is perennial in nature, obviously, the same is available with the respondents. Respondents cannot be allowed to take the stance that such work is occasionally available. Respondents are again directed to continue engagement of applicants for loading and unloading as helpers from 5.11.2004 till formulation of the scheme and consideration of the applicants for regularisation in service. They may, however, be paid wages on daily basis. Taking a lenient view this time, these proceedings are dropped against the respondents and notices discharged. If the respondents fail to implement directions of this Tribunal again, a serious view would be taken.


(Shanker Raju)
Member (J)


(V. K. Majotra)
Vice-Chairman (A) 4.11.04

/as/