

Central Administrative Tribunal
Principal Bench

C.P. No. 464/2004
O.A. No. 1934/2004

New Delhi this the 28th day of January, 2005

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri Dalip Chand
S/o Shri Hira Lal
R/o 211 Padam Nagar,
Gali No.5, Sarai Rohilla,
New Delhi.

-Applicant

(By Advocate: Shri Amit Anand)

Versus

1. Shri R.R. Jharuhaar
The General Manager, Northern Railway,
Baroda House, New Delhi.
2. Shri B.K. Aggarwal,
Divisional Railway Manager, Northern Railway
State Entry Road, New Delhi

-Respondents

(By Advocate: Shri Rajinder Khatter)

ORDER (Oral)

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

Learned counsel for respondents stated that respondents have passed detailed orders dated 23.12.2004 in compliance of Tribunal's directions contained in order dated 11.8.2004 in OA-1934/2004.

2. Learned counsel of applicant stated that respondents have denied re-engagement to the applicant contending that juniors to the applicant had been re-engaged on the directions of the Courts. Learned counsel of applicant relied upon order dated 13.11.2003 made by the Hon'ble High Court of Delhi in CWP No.5725/2003 Union of India & Ors. Vs. Balbir Singh & Ors. in which such a contention as raised on behalf of respondents had not been accepted by the Hon'ble High Court.

3. We have perused the orders passed by the respondents. They have taken another ground that the applicant has crossed the upper age limit for re-engagement. Learned counsel of applicant stated that in certain other cases, the Tribunal has not

b

countenanced such an argument as well and directed re-engagement of the casual labour.

4. We have considered the contentions raised on both sides.

5. While respondents have passed detailed and reasoned orders in compliance of Tribunal's directions, applicant is raising contentious issue which do not come within the scope and ambit of a Contempt Petition. In view of the orders passed by the respondents in compliance of Tribunal's directions, C.P. is dropped and notices to the respondents are discharged. However, applicant shall have liberty to challenge the orders passed by the respondents as per law.

S. Raju
(Shanker Raju)
Member (J)

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

cc.

28.1.05