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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CP NO. 476/2005
OA NO. 608/2005

This the 8th day of August, 2006

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. V.K.AGNIHOTRI, MEMBER (A)

Vijay Kumar
S/o Sh. Phagu Prasad
R/o B-708 Camp No. Jwalapuri,
Nangloi, Delhi.

(By Advocate: Sh. U.Srivastava)

Versus

Sh. C.Babu Rajiv
D.G.Archaeological Survey of India
Janpath, New Delhi.

(By Advocate: Sh. S.M.Arif)

ORDER (ORAL)

Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)


Vide order dated 29.3.2004 passed in OA-608/2004 respondents were directed to look into the submissions of the applicant mentioned in the order and decide the representation of the applicant in the light of the decision of the Tribunal within a period of two months. Subsequently the learned Single Bench vide order dated 6.7.2005 observed that the directions of the Tribunal were ex parte and in the reply to the application MA-1560/2004 the respondents had indicated that the Headquarter seniority was still being maintained and no junior to the applicant had been engaged fit. Accordingly, the Bench disposed of the MA with the direction that in the event an undertaking was furnished by the applicant as to re-engagement in other division as well his claim for re-engagement, he shall be considered subject to availability of the work as per seniority.


2. The present CP is filed complaining that the order of the Tribunal has not been complied with deliberately. In reply to the show cause notice the respondents have submitted that on 12.12.2004 the services of all the causal workers working in the

Headquarter office were dispensed with w.e.f. 31.12.2004 with the stipulation that if they submit an application they would be considered for engagement as casual labour in other divisions on need basis. It is submitted that the OA of the applicant was disposed of on 4.7.2005 with direction to the respondents to consider the deployment of applicant as casual daily wage worker in case work was available in Headquarter or in Circle/Branch office at Delhi, Agra and Dehradun provided the applicant submitted his willingness and option. This Tribunal in MA-1560/2004 by order dated 1.9.2004 directed the applicant to give a similar undertaking but he did not submit it. Respondents by letter dated 23.10.2005 asked the applicant to do it but he had not still submitted an undertaking in terms of the order of the Tribunal. It is stated that in case he submitted the undertaking his case will also be considered.

3. Counsel for applicant has submitted that an undertaking dated 5.7.2006 has been submitted by the applicant. The grievance of the counsel for respondent is that even before submission of this undertaking applicant approached this Tribunal by filing a CP. Counsel for applicant has fairly admitted that the CP was filed before the undertaking was submitted by the applicant. Counsel for respondents states that the case of the applicant was now will be considered as and when the vacancy becomes available and as per the orders of the Tribunal.

4. In above circumstances, we do not deem it proper to proceed in the matter further and initiate proceedings under Contempt of Courts Act against the respondents. Accordingly, contempt petition is dismissed. Notices discharged.


(V.K. AGNIHOTRI)
Member (A)


(M.A. KHAN)
Vice Chairman (J)

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