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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. No. 483/2004
in
O.A. No. 1233/2004

New Delhi, this the 4th day of August, 2005

**HON'BLE SHRI V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

1. Shri Udai Vir Singh,
S/o Shri Harpal Singh,
Typist,
Under Section Engineer (Works),
D.R.M. Office,
Northern Railway,
New Delhi.
2. Shri Rajender Pal,
S/o Shri Ram Prasad Singh,
Khallasi,
Under Section Engineer (Works),
Northern Railway,
New Delhi - 55.
3. Shri Rama Chandaran,
s/o Shri Muni Swami,
Khallasi,
Under Section Engineer (Works),
Northern Railway,
New Delhi - 55.
4. Shri Sahab Singh s/o Sh. Khazan Singh,
Jr. A/C's Assistant,
Under FA & CAO,
Northern Railway,
Baroda House,
New Delhi.
5. Shri Bhajan Singh,
s/o Shri Jaswant Singh,
Account Clerk,
Under FA & CAO,
Northern Railway (Pension),
Baroda House,
New Delhi.

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6. Shri Dharamvir Singh
s/o Shri Mahavir Singh,
Truck Driver,
Under Section Engineer (M),
Hazrat Nizamuddin Railway Station,
New Delhi.
7. Shri Nankoo s/o Shri Sikdar,
Khallas,
Under Section Engineer (Works),
Northern Railway, New Delhi - 55.
8. Shri Banwari Lal s/o Sh. Mohan,
Khallasi,
Under Section Engineer (Works),
Northern Railway,
New Delhi - 55.
9. Shri Ram Niwas s/o Sh. Durga,
Mate,
Under Section Engineer (Works),
Northern Railway, New Delhi - 55.
10. Shri Bhawan Dass s/o Sh. Parsadi,
Black Smith,
Under Section Engineer (Works),
Northern Railway,
New Delhi - 55.

-Applicants

(By Advocate Shri Amit Anand)

-Versus-

Union of India, through:

1. Shri R.R. Jaruhara,
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Shri Pradeep Kumar Goyal,
Divisional Railway Manager,
Northern Railway,
State Entry Road, New Delhi.
3. Smt. Savita Gopal
FA & CAO,
Northern Railway,
Baroda House, New Delhi-110001.

-Respondents

(By Advocate Shri VSR Krishna & Shri Rajinder Khattar)

ORDER (ORAL)

Mr. Shanker Raju, Hon'ble Member (J):

Wilful and contumacious disobedience of our orders dated 19.05.2004 and 4.8.2004 is assailed.

2. Applicants filed O.A. No. 1233/2004, which was disposed of with the following directions on 19.05.2004:

"Applicants in this OA pray for a direction being issued to the respondents to pay them the arrears and other benefits for the period when they were working as casual labourers with interest on the strength of the relief as granted by this Tribunal in OA No. 2610/2002 – **Ram Dulare vs. Union of India & Ors.** decided on 11.10.2002.

2. In view of the claim made by the applicants, I dispose of the present O.A. at the admission stage itself with a direction to the respondents to treat the OA as a representation from the applicants and dispose it of in the light of the decided case by issuing a speaking and reasoned order within a period of two months from the date of receipt of a copy of this order.

3. MA 1033/2004 for joining together is allowed."

3. Respondents filed an application for extension of time, which was disposed of on 4.8.2004 with the following directions:

"Through this MA, the respondents are seeking three months more time to implement the order of this Tribunal passed in OA. Learned counsel for applicants, however, feels that the period of three months is rather long and should be curtailed. Since the learned counsel for respondents states that the respondents-department will comply with the order of the Tribunal to its full measure and arrears would be paid within the same period that is being asked for, the prayer made in the MA is allowed."

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4. Learned counsel for the applicants stated that the order passed by the respondents on 2.1.2005 rejecting the claim of the applicants is in willful disobedience of the orders of the Tribunal on the ground that having taken a stand before the Tribunal that they would comply with the order to its full measure and arrears would be paid within the stipulated period. Relying upon the decision of the Apex court in **T.R. Dhananjaya vs. J. Vasudevan**, 1995(5) SCC 619 it is contended that once taken a decision to implement the directions, respondents are precluded from taking volt face step.

5. On the other hand, respondents' counsel states that having passed a reasoned order keeping in light the original directions in MA for extension of time what is stated is to comply with the directions by passing a speaking order and if relief is oriented then to grant the arrears. As it has not been established, for want of particulars, that the applicants were to be accorded any specific relief, the order passed by the respondents is in compliance of the Tribunal's order in true letter and spirit.

6. We have carefully considered the rival contentions of the parties and perused the material on record. The decision in **Dhananjay's case** (supra) would be applicable in context of the directions issued therein to grant consequential benefits. Denial of it is observed to be a volt face step. However, in the present case the original directions were to pass a speaking order treating the OA as a supplementary representation in the light of decision in OA No. 2610/2002 in **Ram Dulare's** case. The statement made by

respondents cannot be construed or read in isolation for grant of arrears if the right of the applicants is not accrued.

7. However, we find that whereas we have directed the respondents to take cognizance of decision in **Ram Dulare's** case, no reference has been made of this decision in the order passed by the respondents.

8. Accordingly, Contempt Petition is disposed of with a direction to the respondents to pass a fresh order complying with our directions in true letter and spirit and also in the light of the decision of **Ram Dulare's** case (Supra), within a period of two months from the date of receipt of the certified copy of this order. Notices, issued to the respondents, are discharged with liberty to the applicants, if so advised, to assail the grievance, if any, in accordance with law.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Vice-Chairman (A) 4.8.05

/na/