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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

C.C.P. No. 119/94
in
O.A. No. 161/92

New Delhi this the 2nd Day of March 1995.

Hon'ble Mr. Justice S.C. Mathur, Chairman
Hon'ble Mr. P.T. Thiruvengadam, Member (A)

Raja Ram,
Ex Casual Labour under
PWI Northern Railway, Bijnor,
22/1 Palam Ashok Gali,
New Delhi.

... Applicant

(By Advocate: Ms. Raman Oberoi)

Vs.

Union of India through
Shri Masih-Uz-Zamin,
General Manager,
Northern Railway, Baroda House,
New Delhi.

Shri Amrit Malhotra,
Divisional Railway Manager,
Northern Railway,
Moradabad.

... Respondents

(By Advocate : Shri B.K. Aggarwal)

O R D E R

Hon'ble Mr. Justice S.C. Mathur, Chairman

The applicant Raja Ram alleges disobedience by the respondents of the Tribunal's Judgment dated 26.4.1993 passed in C.A. No. 161/1992.

2. A perusal of the aforesaid judgment shows that the applicant's claim in the original application was that he had worked as a Casual Labour Gangman under PWI, Northern Railway, Bijnor from May 1983 to November 1984 with short breaks and in this manner he had worked for 503 days. He was again called to work but no duty was assigned to him after 1986. The applicant's prayer was to issue a direction to the administration to reinstate him with consequential benefits.

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2. The G.A. was contested on behalf of the administration and it was stated that the applicant's name appeared at serial No.6 in the Live casual Labour Register and he may acquire temporary status.

3. Taking note of the fact that the applicant's name was already at serial No.6 in the Casual Labour Register, the Tribunal disposed of the application with the following observation:-

"In view of the reply filed on behalf of the respondents, we direct that if and when any vacancy occurs the applicant shall be considered for suitable employment. Undoubtedly the applicant will be considered in his turn."

4. In Paragraph 4 of the contempt application it has been stated that though one year has passed since the pronouncement of judgment the applicant has not been given employment while his juniors have been employed. In the application the applicant did not mention the name of any person junior to him who had been employed keeping the applicant out of employment.

5. In the reply filed on behalf of the respondents it has been denied that any one junior to the applicant has been engaged. It has been specifically stated in the reply dated 25.7.1994 that there are five persons above the applicant who are still waiting for employment. This assertion has not been denied by the applicant in his rejoinder. In fact the rejoinder does not touch the averments made in the affidavit dated 25.7.1994. In his M.A. No.2033/1994, the applicant has stated that Sarvashri Chidha, Mangal Singh, Hukum Singh, Meena, Kacheru, Ram Gopal, Udai and Ishaak were employed during March - May 1994 but employment was not given to the applicant.

6. In the reply filed on behalf of the respondents to the applicant's M.A., it has been stated that the applicant worked in the office of PWI, Bijnor and his name is maintained in the Live Casual Register in the office of the AEN, Nazibabad

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under whose jurisdiction the office of PWI, Bijnor falls.

It has further been stated that the persons whose names have been mentioned by the applicant never worked under PWI, Bijnor. In other words, it is denied that any fresh appointment has been made in Nazibabad sub-division. It is also mentioned in paragraph 4 of the reply that Live Casual Registers are maintained sub-divisionwise.

7. In the rejoinder to the respondents' reply, the applicant has not denied the allegation that the persons mentioned by him were not appointed in Nazibabad sub-division. He has, however, challenged the placement of the applicant in Nazibabad sub-division instead of Hapur.

8. It appears from the material on record that Hapur and Nazibabad sub-divisions were created some time in the year 1989. That such a bifurcation was done is apparent even from the averments made in paragraph 4 of the applicant's M.A. In the M.A., the applicant has given the year of bifurcation as 1992 while in the reply of the respondents, the year has been mentioned as 1989. Whether it is 1989 or 1992 is not material as it is apparent that the bifurcation had been done prior to the disposal of the applicant's Original Application. The applicant did not challenge the bifurcation in his Original Application but seeks to challenge the same through the M.A. This is not permissible. In contempt proceedings the Tribunal has only to see whether the judgment of the Tribunal has been complied with. There could be disobedience of the Tribunal's judgment if anyone whose name appears in the Live Casual Labour Register below the applicant's name had been appointed ignoring the applicant. The applicant does not allege that any such person was appointed. In fact, the respondents have made a specific averment to the effect that even the first five persons in the Live Casual Labour Register relating to Nazibabad sub-division have not yet been appointed.

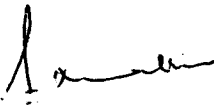
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9. In paragraph 5 of the M.A., it has been stated that at Naziabad "regular and perennial nature" of work of track removal etc., requiring employment of sufficient number of whole time workmen, is got performed by Respondents by engaging Contractors workmen. This fact has been denied in the reply filed on behalf of the administration. We see no reason to disbelieve the denial particularly when no details have been given by the applicant.

10. In view of the above, the Contempt Application is misconceived and is hereby rejected but without any order as to costs. Notice is discharged.

P. J. Thiruvengadam

(P.T. Thiruvengadam)
Member (A)


(S.C. Mathur)
Chairman

Mittal