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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

C.C.P NO.318 of 1993
in

O.A.No.452A of 1992

New Delhi this the 2nd March, 1994.

CORAM:

Hon'ble Mr. Justice B.C. Saksena, Chairman (J)

Hon'ble Mr. S.R. Adige, Member (A)

Uttam Lal Sahu
s/o Shri Ayodhya Sahu,
r/o D-114, Mohammedpur,
New Delhi

By Advocate Shri B.B. Rawal

.....Applicant.

Versus

Shri S.K. Gupta,
Secretary,
Staff Selection Commission,
Government of India,
C.G.O. Complex,
Lodhi Road,
New Delhi-110003

.....Respondent.

ORDER

By Hon'ble Mr. S.R. Adige, Member (A)

In this application, Shri Uttam Lal Sahu has prayed that action be taken against the respondent (Shri S.K. Gupta, Secretary Staff Selection Commission) under the Contempt of Courts Act for alleged non-compliance with the direction of this Tribunal dated 13.11.92 in O.A.No.452A/92 'Uttam Lal Sahu Vs. Union of India through Secretary, Staff Selection Commission.

2. It will be useful to extract the operative portion of the said judgment which runs as follows:-

"The present application is disposed of with the direction to the respondents to consider engaging the applicant as Casual Labourer in accordance with the scheme directed to be prepared by them. The interim order passed on 28.2.92 is hereby made absolute. There will be no order as to costs."

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3. Admittedly, the applicant had worked as a Casual Labourer in the office of Staff Selection Commission(SSC) from 20.4.81 to 18.5.84 and from April, 1986 to October, 1986 with breaks in between. He was also paid a sum of Rs. 110-30P as bonus on 24.10.86. The applicant had stated that he was matriculate. From October, 1986 on-wards, he had not been in service of SSC. His grievance was that the respondents had employed 18 persons on temporary basis on daily wages basis from 10.2.89 onwards. He claims that these persons were registered with the Employment Exchange only subsequent to he himself being registered and became casual labourers much later than him. The version of the respondents was that only those casual workers who were actually in position were considered for regularisation as and when suitable vacancies arose. Since the applicant was not working in the office of SSC, his case was not considered along with the others.

4. The Tribunal in its judgment dated 13.11.92 noted that the question relating to the engagement and disengagement of casual labourers in the SSC had been considered in a batch of applications decided on 11.2.92 in O.A.No. 1489/90 and connected case 'Shri T. Dominic & others Vs. Union of India', and in that case, the Tribunal had directed the respondents to prepare a rational and fair scheme, to cover such of those casual labourers who had worked for 240 days including the broken periods of service should be covered by such a scheme. Simultaneously, the respondents were also called upon to make a realistic appraisal of the requirement of Group D Staff to cope with the work being handled by by the casual

labourers on a continuing basis throughout the year.

5. In that background, the Tribunal in its judgment dated 13.11.92 passed the operative order extracted above.

6. In their reply, the respondents have pointed out that the Tribunal on 11.2.92 in O.A.No.1489/90 had directed the respondents to prepare a scheme for regularisation of these daily wagers who had worked for the requisite number of days in the Commission. The Court had further directed that until such scheme was formulated none of the daily wagers should be disengaged. The scheme was prepared on 5.6.92 and in compliance of the Tribunal's order, a list of 17 daily wagers who were in position on 11.2.92 was prepared. This list does not contain the applicant's name as he was not working in the Commission at that time. On 28.2.92, the Tribunal had passed an interim order in the present O.A. directing the respondents to engage the applicant as casual labourer in preference to the persons with lesser length of service and outsiders, and in case they needed the service of casual labourers. The applicant could not be accommodated in the Commission by disengaging any daily wager in position at that time because of the Tribunal's order that no daily wagers in the SSC should be disengaged until the scheme was formulated. The applicant could not be engaged because the SSC was not in need of any additional casual workers at that time. Notwithstanding this position, the applicant's name was placed at the top of the list of 17 people. However, he could be engaged in compliance of the Tribunal's order only when some items of additional casual work arose in October, 1993. It has been emphasised that all the 17 daily wagers placed below the applicant.

47

name were continuing in the Commission prior to the Tribunal's interim order dated 28.2.92, and none of them had been engaged after 28.2.92 in preference to the applicant. The respondents, therefore, aver that all the action in the matter has been taken by them in compliance with the interim orders dated 28.2.92 and the final order dated 13.11.92 in the present case, read with the Tribunal's order dated 11.2.92 in O.A.No.1489/90 and hence no contempt of any order has been committed by the respondent.

7. There is merit in the contention of the respondent. Admittedly, the applicant was not in the service of the SSC from October, 1986 onwards. No doubt, on 28.2.92, the Tribunal passed an interim order in O.A.No.452A/92 directing the respondents to consider engaging the applicant as Casual Labourer in preference to the persons with lesser length of service and outsiders, and in case they needed the service of the casual labourers, but the applicant could not be accommodated in the Commission by terminating the service of any daily wager in position at that time vide Tribunal's order dated 11.2.92 in O.A.No.1489/90 and other connected cases, and also because the respondents as contended in their counter affidavit were not in need of any additional casual worker at that time. When the need for casual worker arose in October, 1993, the applicant was engaged and in the meanwhile, the applicant was placed at the top of the list of 17 persons who were continuing in the SSC since before 28.2.92 i.e. the date of Tribunal's interim order. Shri Rawal, learned counsel for the applicant has argued strenuously that the case of the applicant cannot be overlooked right from 28.2.92, the date on which the interim order

was passed by the Tribunal which order continued through-
out and was made absolute on 13.11.92. He has urged
that the persons junior to the applicant were
continued and regularised according to the order
dated 11.2.92 but the order in the case of the
applicant dated 28.2.92 has been violated which
amounts to contempt of court's order and he, therefore,
prayed that he should be treated ^{in service} /atleast from 28.2.92
together with arrears of salary from that date.

8. We are unable to agree with this contention
for the reasons that have been discussed in the
preceeding paragraphs. As the applicant was not
in service on 28.2.92, and was given employment only
in October, 1993 in pursuance of the Tribunal's order
dated 13.11.92, the question of treating the
applicant in service from 28.2.92 and giving him
arrears of pay for the period from 28.2.92 to October,
1993 does not arise. We are satisfied that the
Tribunal's order dated 13.11.92 has been complied with
and hence no action against the respondent is warranted.

9. This petition is accordingly dismissed.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

B.C. Saksena
(B.C. SAKSENA)
VICE-CHAIRMAN(J)

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