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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.C.P. NO. 466/93
in
O.A. NO. 2573/92

New Delhi this the 4th day of January, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Raj Kumar Son of Brahm Deo Rai,
working as casual labourer in the
I.C.A.R., New Delhi and
R/O House No. 826-D,
Block Loha Mandi, Kirti Nagar,
New Delhi.

... Petitioner

By Advocate Shri K. K. Puri for Shri
K. L. Bhatia

Versus

1. Shri R. C. Kapila,
Secretary, Ministry of
Agriculture, Department of
Agricultural Research & Education,
Krishi Bhawan, New Delhi.
2. Shri P. N. Chopra,
Director General,
Indian Council of Agricultural
Research, Krishi Bhawan,
New Delhi.
3. Dr. S. K. Sinha, Director,
Indian Agricultural Research Instt.,
Pusa, New Delhi. ... Respondents

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath --

The complaint in this case is that the order made by the Tribunal in O.A. No. 2573/92 dated 13.8.1993 has been violated. The operative portion of the order of the Tribunal says, "In view of the above facts and circumstances, the relief that could have been allowed to the applicants, stands granted by the respondents and that was the relief which was also prayed by the applicants. Both the applications have, therefore, become infructuous and are dismissed." On that basis

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basis, the application was dismissed. The contention of the petitioner is that after the disposal of the application, the petitioner's services have been terminated. He alleges that persons junior to him have been engaged which is a contumacious conduct. At the outset, we should say that the application having been dismissed, there is no order which is capable of being executed or enforced under the Contempt of Courts Act. The learned counsel for the applicant, however, submitted that if we look into the reasons that persuaded the Tribunal to dismiss the application as having become infructuous, it would become clear that it is on account of the assurance given by the respondents that the application was dismissed. He, therefore, submits that ^{flouting} the assurance or undertaking given to the court amounts to contempt of court. It is not possible to understand the judgment of the Tribunal as recording any undertaking not to terminate the services of the petitioner. The Tribunal has noticed the stand taken in the affidavit filed in the O.A. by Shri S. K. Sinha, Director, I.A.R.I. He has stated that in pursuance of the interim order the petitioner has been engaged. It is further stated that his case has been considered for absorption and his name has been approved for absorption in the event of any vacancy arising in preference to juniors and outsiders. It is also stated that for this purpose the respondents have maintained seniority list of those daily paid labourers who had completed 240 days in two consecutive years and are entitled

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to the benefits under Section 25 of the Industrial Disputes Act. It is further stated that a separate list of those daily paid labourers who have obtained interim orders from the Tribunal had been prepared and that they had been engaged as per the Tribunal's orders. It is also stated that a seniority list of those daily paid labourers who have not completed 240 days in a particular year and are willing to serve the Institute had also been prepared according to their initial date of engagement and they were being engaged as and when required. It is further averred that to avoid further litigation the respondents had engaged those daily paid labourers. The Tribunal was obviously satisfied with the steps taken for ensuring fairness not only to the applicants before it but to everyone similarly situate. It is not the case of the petitioner that any person who has been placed lower in the list which has been spoken to in the affidavit of Shri Sinha has been engaged in preference to the applicant who has higher ranking in the said list. There is, therefore, no prima facie material even to infer that the respondents have acted arbitrarily. We cannot understand the direction in the judgment as having the effect of directing continuance of the applicants in service irrespective of the question as to whether there is work for them or not. If the exigencies of service require, it is open to the authorities to terminate the services of persons in accordance with law. Therefore, if there is any violation of the rights of the petitioner by arbitrary action

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subsequent to the decision of the Tribunal, it is open to him to work out his right in appropriate proceedings by placing appropriate facts. Hence, it is impossible for us to take any action under the Contempt of Courts Act. These proceedings are accordingly dropped.

S. R. Adige
(S. R. Adige)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

/as/