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Central Administrative Tribunal  
Principal Bench  
New Delhi

.....  
C.P. No. 10/95  
in  
O.A. No. 1958/92

New Delhi, this the 23rd Day of January, 1995.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)  
HON'BLE SHRI S.R. ADIGE, MEMBER (A)

Shri Nihal Singh s/o Ram Kishore,  
Ex- Casual Labour Khalasi under I.O.W.Gajraula,  
Northern Railway, R/o  
Gali No. 5, House No. 17/2106,  
Nazafgarh Road,  
New Delhi.

Applicant

(By Advocate Shri B.K. Batra).

Versus

Union of India through

Shri L.K. Sinha,

1. General Manager,  
Northern Railway, Headquarters Office,  
Baroda House, New Delhi.
2. Divisional Rail Manager,  
Northern Railway,  
Moradabad.
3. Shri Ashu Tesh,  
Assistant Engineer,  
Northern Railway,  
Hapur.

Respondents

(By NONC)

JUDGEMENT

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The applicant filed O.A. 1958/92. In that O.A. on 30th July, 1992 by the Principal Bench an interim relief was granted to the extent that the respondents

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are directed to consider engaging the applicant as casual labour if vacancy exists and in preference to persons with lesser length of service and outsiders.

By the order dated 10th May, 1993 this interim was continued.

2. C.P. had been filed on 14.12.1994 and this was transferred to this Principal Bench for decision.

3. The contention of the learned counsel for the applicant is that the respondents have engaged a number of casual labourers in June and July, 1994, who were junior to applicant notably Shri Jodha s/o Shri Jai Singh (presently employed under PWI Hapur) in violation of the orders of the Hon'ble Tribunal dated 30.7.92.

It is contended that Shri Jodha s/o Shri Jai Singh has only worked for 601 days and is at sl. no. 108 of the seniority list ignoring the right of the applicant who worked for 877 days. Inspite of the representation made by the petitioner he was not given engagement. It is therefore, prayed that cognizance be taken of the disobedience of the aforesaid order of the Tribunal under rule 7 (ii) of the Central Administrative Tribunal (Contempt of Court) Rules, 1986.

4. We have heard the learned counsel Shri B.K.Batra for the applicant and perused the record. The stand taken by the respondents in their counter to the Original Application is that the applicant has left the service on his own accord and services were not terminated. The respondents have filed the reply on 5.2.1993.

5. Now, the interim order which was passed ex parte is only of a directive nature that the applicant may be considered alongwith others in preference to persons lesser length of service. The petitioner has not given any detail as to how the said Jodha Singh engaged by the respondents <sup>alleged</sup> as was junior to the applicant. Merely asserting the fact without filing any document in that regard, this fact cannot be substantiated. We have also perused the seniority list filed in the Original Application as Annexure-2. The name of the applicant Nihal Singh s/o Ram Kishore does not exist in the seniority list. There is one Nihal Singh s/o Jodha Singh which exists at Sl. No. 95 while the name of Jodha Singh s/o Jai Singh exists at Sl. No. 108.

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6. In view of the above facts, we do not find that there is any contempt of this interim order and the contempt petition is, therefore, dismissed in limine as not maintainable.

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(S. R. ADIGE)  
MEMBER (A)

*J. P. Singh*  
(J. P. SINGH)  
MEMBER (J)

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