

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP No. 35/95 in
OA No. 3344/92

(30)

New Delhi this the 30th day of December 1996

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

Hon'ble Dr. A.Vedavalli, Member(J)

1. Mahinder
S/o Ilamachand
2. Surender Pal
S/o Shri Lakhi Ram

....Applicants

(By Advocate: None)

Versus

1. Masi-Uz-Zaman
Secretary,
Northern Railway,
Rail Bhawan,
2. Chief Administrative Officer, (Cont)
Kashmiri Gate, Delhi.
3. Shri Vinay Tanvar,
Deputy Chief Engineer,
Northern Railway,
Moradabad.
4. Sh. Jeevan Chand Tiwari,
Sr. Civil Engineer(Cont)
S.S.B.L. Saharanpur.

....Respondents/Contemners

(By Advocate: Shri P.S.Mahendru)

ORDER(Oral)

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

The applicant, alleges disobedience of the Tribunal's order dated 28.12.92 directing the respondents to consider the applicants for screening as regular employees before considering their question of transfer. The applicants, alleges that they had been ^{transferred} without being screened, and respondents have deducted penal rent from the salary of the applicants for not vacating the quarter.

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2. None appeared for the applicant when the case was called out even on the second occasion.

Shri Mahendru appeared for the respondents and has been heard.

3. We note that the applicants were working on Construction Organisation/Projects in Saharanpur and respondents have stated in reply to the CCP that they were transferred elsewhere as no work was available from them in Saharanpur. In this connection our attention was invited to the Tribunal's order dated 18.8.93 in CCP No. 342/92 and 343/92 arising out of TA No. 23/91 Shri Hari Sharan Singh in Charan Singh & Ors Vs. Chief Administrative Officer, Delhi & another where similar action taken by the alleged contemnor was noticed with approval, as otherwise the services of the petitioners would have been terminated altogether.

4. In so far as the screening of the applicants is concerned, the direction was only to consider the same before considering the question of their transfer. Respondents have pointed out in their reply that screening of casual labour is done on the basis of requirement of Division (operative) against permanent vacancies as and when such vacancies become available. As the direction was only to consider the applicants for screening and the respondents have pointed out the rule position as to when screening is to take place, it cannot be said that there has been any contumacious violation of the Tribunals order dated 28.12.92.

5. In so far as recovery of penal rent is concerned, there was no direction in the impugned order dated 28.12.92 in regard to the same, in respect of which contumacious

(37)

violation can be complained of.

5. The contempt petition is accordingly dismissed and notices of alleged contemnors are discharged.

A Vedavalli
(DR. A. VEDAVALLI)
Member (J)

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

cc.