

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP No. 55/98 IN
OA No. 1821/92

60

New Delhi, this the 2nd day of February, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Shri Nehal Singh
and 23 others as
per memo of parties.
(By Advocate: Sh. B.S. Mainee)

.... Petitioners

Vs.

Union of India through

1. Shri D.P. Tripathi
Secretary,
Ministry of Railways,
(Railway Board),
Rail Bhavan, Raisina Road,
New Delhi.
2. Shri S.P. Mehta,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. Shri Om Parkash,
Divisional Railway Manager,
Northern Railway,
Allahabad.
(By Advocate: Sh. R.L. Dhawan)

.... Respondents

ORDER

delivered by Hon'ble Shri T.N. Bhat, Member (J)

This CP has been filed by Sh. Nehal Singh and others seeking action under the contempt law against the respondents for having allegedly flouted and disobeyed the directions of the Tribunal contained in the judgment dated 6.11.97 in OA 1821/92 filed by the petitioners herein and several other persons.

2. The 27 applicants in the OA had worked as hot weather watermen on casual basis for 10-12 years but had not been absorbed nor even screened for absorption

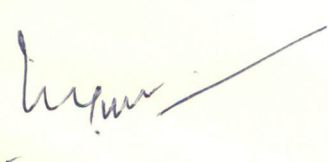
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2.2.99.

(a)

though some other similarly situated persons were so screened and later absorbed against the available vacancies. The applicants had filed some documents before the Tribunal and after examining the same the learned Single Member constituting the Bench observed in the judgment that since the respondents had failed to file a reply to the additional affidavit of the applicants the averments made therein, having gone unchallenged, must be assumed to be true.

3. The learned counsel for the petitioners has, on the basis of the above observation, vehemently argued that the respondents had no option but to accept as true the certificates furnished by the petitioners (applicants in the OA) regarding the total number of working days put in by them. It needs to be mentioned here that while considering various casual workers for screening and absorption the respondents had fixed a minimum number of 337 working days as a bench-mark. The contention of all the applicants was that they had put in more than the required number of days (337) each but were not screened for the reason that the respondents failed to count the correct number of days.

4. In reply, the learned counsel for the respondents has urged before us that the Tribunal had in the operative part of the judgment itself directed the respondents to "verreify" the claim made by the applicants in para 5 of the additional affidavit, wherein the applicants had given the total number of working days put in by each of them. According to the respondents the claim of the applicants remained unsubstantiated. On the



contrary, it was found on verifying the claim according to the entries in the Live Casual Labour Register that the number of working days put in by each of the petitioners herein was much less than the required number of 337 days. The respondents' counsel has, further, taken us through the certificates relied upon by the petitioners regarding the number of days on which they had worked in different units and pointed out several discrepancies in them.

5. The learned counsel for the petitioners refutes the above contentions of the respondents' counsel and argues that the correct method that should have been adopted by the respondents for verification of the applicants' claim would be to peruse the relevant attendance registers and the original muster rolls, and not the Live Casual Labour Registers. But the learned counsel has not been able to successfully counter the arguments of the respondents' counsel that attendance registers and muster rolls are not normally retained beyond a period of 4-5 years while the petitioners had raised claims which was more than 10 years old.

6. We have carefully considered the contentions made by the learned counsel for both the parties and we are convinced that no case of wilful or deliberate disobedience of the Tribunal's judgment has been made out. The respondents seem to have taken the necessary steps regarding verification of the proof furnished by the applicants and on perusing the available departmental records found the certificates etc. to be not genuine. A committee was constituted by the respondents for verifying the certificates which submitted


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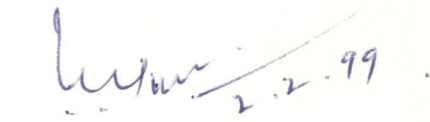
a report. The respondents have annexed a copy of the report in the form of a chart to the additional affidavit and according to that chart none of the 9 petitioners was found to have more than 337 working days at his credit so as to make him eligible for being screened.

7. We are of the considered view that there has been substantial compliance with the directions given by the Tribunal.

8. For the foregoing reasons this CP is hereby dismissed and the notices are discharged.


(S.P. BISWAS.)
Member (A)

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(T.N. BHAT)
Member (J)