

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO.63/1997 in
O.A. NO.1441/92

13

Friday, this the 7th March, 1997.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN
HON'BLE SHRI N. SAHU, MEMBER (A)

1. Bhagwan Dass S/O Khargi
2. Ranvir Singh S/O Hotam Singh
3. Narain Singh S/O Chandra Bhan Singh
4. Devi Prasad S/O Shyamlal
5. Ram Bahadur S/O Kallu
6. Lallu Prasad S/O Ghasita
7. Shivdeen S/O Magan
8. Ram Babu S/O Bhaiyalal
9. Peer Mohammad S/O Munawwar Khan
10. Shiromani S/O Ramsy Yadav
11. Buddha Prakash S/O Deena
12. Ganga Ram S/O Bhoniya
13. Ram Dhin S/O Sukhru
14. Bhoora alias Shiv-bhaw S/O Dhaniram

all Resident of :
C/O D. K. Jain, D-32 (Outhouse),
Rouse Avenue, Minto Road,
New Delhi.

... Petitioners

(By Shri H. P. Chakravorty, Advocate)

-Versus-

Shri K. K. Gupta,
Divisional Railway Manager,
Central Railway, Jhansi.

... Respondent

O R D E R (ORAL)

Shri Justice K. M. Agarwal —

Heard the learned counsel for petitioners on the
petition for contempt.

2. In O.A. No. 1441/92 an interim order was granted
to the applicants on 17.7.1992 to the following effect :-

"...we direct that the respondents shall
consider engaging the applicant as casual
labourer if any vacancy exists and in
preference to the juniors and outsiders..."

The learned counsel states that subsequent to the said
For order and in the year 1996 about 11 persons have been

...2.


(14)

engaged by the respondents without considering the aforesaid direction of the Tribunal and overlooking the claim of the petitioners for such appointment. Accordingly, it was submitted that the respondents were liable for action under the Contempt of Courts Act.

3. We find no substance in the contention. On a bare perusal of the direction of the Tribunal, it appears that the direction was to engage the applicant against any vacancy that might have existed on the date of the order. This could also be interpreted to mean any vacancy arising in the near future. Since no appointment is shown to have been made by respondents between the date of the order and the date on which 11 persons are alleged to have been engaged, we find no case for taking any action against respondent for contempt particularly in the light of the provisions of Section 13 of the Contempt of Courts Act. Accordingly, the contempt petition is hereby summarily rejected.

4. If so advised, the petitioners may move an application for early hearing of O.A. No. 1441/92 or may file an application for further interim relief, and if so filed, the application shall be considered and disposed of in accordance with law.


(K. M. Agarwal)
Chairman


(N. Sahu)
Member(A)

/ as/