

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI THIS THE 18TH DAY OF APRIL, 1995.

MR.JUSTICE S.C.MATHUR, CHAIRMAN
MR.P.T.THIRUVENGADAM, MEMBER(A)

(1) CP No.141/94 in OA No.1360/92

Shri Gian Singh
S/o Shri Bhagat Singh
R/o B-278B, Lajpat Nagar
Sector 4, Sahibabad
Distt.Ghaziabad
U.P.

Applicant

vs.

Shri Masih-Uz-Zaman
General Manager
Northern Railway Headquarters Office
Baroda House
New Delhi-110 001 ...

Respondent

(2) CP No.142/94 in OA No.1357/92

Shri Lakshman Prasad
S/o Shri Shree Prasad
R/o B2C-28/A DDA Flats
Janakpuri(Near Harinagar Depot)
New Delhi-110 058. ...

Applicant

vs.

Shri Masih-uz-Zaman
General Manager
Northern Railway
Headquarters Office
Baroda House
New Delhi-110 001. ..

Respondent

(3) CP No.151/94 in OA No.1359/92

Shri Dayanand
S/o Shri Dhodhbai Ram
R/o 3310, Mahindra Park
Rani Bagh
Shakur Basti
Delhi-34. ...

Applicant

vs.

Shri Masih-Uz-Zaman
General Manager
Northern Railway Headquarters Office
Baroda House,
New Delhi-110 001 ...

Respondent

(4) CP No.152/94 in OA No.1358/92

Shri Prem Singh
S/o Shri Mohan Singh
R/o B-278-B, Lajpat Nagar
Sec.No.4, Sahibabad
Distt.Ghaziabad
U.P. ...

Applicant

vs.

Shri Masih-Uz-Zaman
General Manager
Northern Railway Headquarters Office
Baroda House,
New Delhi-110 001 ...

Respondent

For the applicants ... Sh.J.C.Singhal, Counsel.

For the respondent ... Sh.R.L.Dhawan, Counsel.

ORDER(ORAL)

Justice S.C.Mathur:

The applicants allege disobedience by the respondent of the Tribunal's order dated 5.1.1993 passed in OA Nos.1357/92, 1358/92, 1359/92 and 1360/92.

2. In the Original Applications, the case of the applicants was that they had been screened for regularisation on 23.1.1989 but the result of that screening had not been published and they had not been regularised. The Tribunal allowed the Original Applications directing the Railway Administration as follows:

" If the respondents have lost the records it is their duty to trace the records or to rebuild the records by fresh screening. But this fresh screening has to be treated as if it was done on 23.1.89. If as a result of this screening and considering the length of service of the casual labourers, if their turn for regularisation comes according to the screening for regularisation and according to the relevant rules and instructions, they should be regularised..."

In para 7, it was stated:

" The screening of the applicants for regularisation in Khallasi's grade, as if it was done on 23.1.89, should be completed within a period of four months from the date of communication of this order."

In the Contempt Applications, the case of the applicants is that the Tribunal's directions have not been complied with and no order of regularisation has been issued. Today, the learned counsel for the Railway Administration produced before us order dated 18.4.1995 material portion of which reads as follows:

" The case of the applicants was further considered and are being regularised wef.1989. Their names are placed/assigned at-
S1.No.117-A of Sh.Laxman Parsad S/o Sri Parsad Kh/COFMOW
S1.No.117-B of Sh.Prem Singh s/o Mohan Singh Kh/COFMOW
S1.No.117-C of Sh.Gian Singh s/o Bhagat Singh Kh/COFMOW &
at S1.No.117-D of Sh.Dayal Nand s/o Dhotai Ram

Kh/COFMOW in the joint seniority of C&W Khalasies & Safaiwalas issued vide this office letter no.847-E/48/I/P-5 dated 15.9.1994."

3. From the above order, it is apparent that the applicants are proposed to be regularised with effect from 1989. Opportunity of objections has been given perhaps to the persons who may be affected by the order passed in favour of the present applicants. However, the learned counsel for the applicants has submitted that this order cannot amount to compliance of the order of the Tribunal as it is not final order; it is provisional. In the order itself, it is mentioned that if no representation is filed, the order will be treated as final. It appears that a large number of persons were considered for regularisation. It may be that the assignment of seniority to the applicants may affect some of the persons. It would only be fair that such persons get an opportunity of representation. From this order, it is apparent that the representation may affect the seniority but not regularisation. Therefore, it is not possible to accept the submission of the learned counsel for the applicants that the order so far as it relates to regularisation is not final. This position has not been disputed by Shri R.L.Dhawan, learned counsel for the respondents.

4. The learned counsel for the applicants further submits that the applicants were required to be regularised on the post of Khalasi and not on the post of Safaiwala on which they have actually been regularised. We have examined the Original Applications with the assistance of the learned counsel for the applicants. The learned counsel was not able to invite our attention to any paragraph in which an averment may have been made by the applicants that they were screened for regularisation

on the posts of Khalasi. Even in the relief clause, the prayer made was for regularisation in Group 'D'. It is not disputed that Group 'D' includes Safaiwala as well as Khalasi. The word 'Khalasi' used in paragraph 7 of the judgement has reference to Group 'D'.

5. The learned counsel for the applicants has submitted that the applicants are entitled to cost as there has been inordinate delay in complying with the order of the Tribunal. We find justification in the submission of the learned counsel.

6. In view of the above, the contempt applications are consigned to record with the observation that the order of the Tribunal now stands complied with. The applicants in each application will be entitled to cost according to the scale prescribed in the rules. The respondents shall make payment of the cost within a period of two months from today. Notices are discharged.

P. T. Thiruvengadam
(P.T. THIRUVENGADAM)
MEMBER(A)

S.C. Mathur
(S.C. MATHUR)
CHAIRMAN

SNS