

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI .

C.P. No. 166/95
in
O.A. No. 2646/92.

New Delhi: this 20th day of September, 1996.

HON'BLE MR. S.R. ADIGE, MEMBER (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J).

Shri Rajpal s/o Nathu,
2. Shri Lokesh, s/o Shri Parma,
3. Shri Jagdish, s/o Shri Durga.
4. Shri Mangey Ram, s/o Shri Parma
formerly working as Gangmen in Northern
Railway, presently r/o 89, Mandawli Fazalpur,
Delhi. ... Applicants.
By Advocate: Shri OP Khokha.
Versus

1. Shri V.K. Agarwal,
General Manager,
Northern Railway,
Baroda House,
New Delhi-110 001.
2. Shri N.Z. Ansari,
Divisional Railway Manager,
Allahabad Division, Northern Railway,
Moradabad (UP)
3. Shri S.C. Pal,
Permanent Way Inspector,
Northern Railway,
Bulandshahr (UP) Respondents.

By Advocate: Shri P.S. Mahendru.

ORDER

BY HON'BLE MR. S.R. ADIGE MEMBER (A).

After hearing applicants' counsel Shri Khokha and respondents' counsel Shri Mahendru and perusing the materials on record, we hold that

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while no doubt the concerned functionaries amongst the respondents were remiss in engaging and / or retaining 4 persons junior to the applicants while the applicants themselves were not engaged, this action on the part of the concerned officials was out of inadvertence and not with any deliberate intention of defying the court's orders, because soon after the correct position was brought to their notice, they disengaged these four persons. It is another matter that these 4 persons are still continuing with the respondents on the strength of an interim stay order in an OA filed by them against their disengagement. Under the circumstance we are satisfied that adequate grounds do not exist to initiate contempt of court proceedings against the respondents.

2. In this connection, Shri Mahendru has stated that there are some persons senior to the applicants who still remain to be engaged, and the applicants will be considered for engagement subject to availability of work strictly in their turn in accordance with their seniority.

3. Noting this statement, we dismiss this CCP and discharge the notices against respondents.

A. Veda Valli
(DR.A. VEDAVALLI)
MEMBER (J)

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

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