

Central Administrative Tribunal
Principal Bench: New Delhi

(23)

CP 199/96
IN
OA 246/92

New Delhi this the 20th day of November 1996

Hon'ble Mr K.Muthukumar, Member (A)
Hon'ble Mr T.N.Bhatt, Member (J)

Awadesh Gautam
S/o Shri Ram Prakash Gautam
C/o M.C.Sharma, Kothi No.25
Ashok Park, New Rohtak Road
Rampura
New Delhi.

...Petitioner

(By Advocate: Shri U.Srivastava)

Versus

1. Shri M.N.Chopra
Divisional Railway Manager
Northern Railway
Allahabad Division
Allahabad (UP)
2. Shri R.K.Mehta
Senior Divisional Electrical Engineer (G)
Northern Railway
Allahabad (UP) ...Respondents.

(By Advocate: Shri R.L.Dhawan)

O R D E R (ORAL)

Hon'ble Mr K.Muthukumar, Member (A)

This is a second round of litigation by the petitioner alleging contempt committed by the respondents by way of disobedience of orders passed in OA 246/92. In the aforesaid directions, the applicant was directed to submit an application addressed to respondent 2 - DRM, Northern Railway, Allahabad through respondent 4 - the Senior Divisional Electrical Engineer, Northern Railway, Allahabad, giving full particulars about his service etc. and the respondents were directed to consider his case in accordance with law and it was also directed that "if it is established that he is entitled to be included in the aforesaid list of casual labourers, his name shall be included therein and thereafter if any occasion

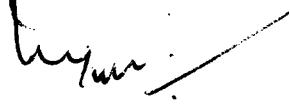
arises for engagement of casual labourers, the case of the applicant for such engagement shall be considered in accordance with the position in that list of casual labourers." With these directions, the above OA was disposed of. The applicant filed a CP 247/95 and this CP was disposed of after noting that the applicant was called for interview for considering him for re-engagement. It was also pointed out that the applicant was satisfied with the state of affairs and, therefore, the CP was dismissed.

2. In the present CP, the petitioner submits that the respondents have engaged some fresh persons ignoring the claim of the petitioner as directed by the Tribunal in the aforesaid OA. Learned counsel for applicant submits that in the reply to the CP, respondents have stated that the petitioner's name has been included at Sl.No.10 in the Live Casual Labour Register/maintained in the office of CEFO (Chg.)/TDL. In respect of this, the respondents had proceeded to engage fresh candidates and, therefore, the contempt is alleged. The respondents in their reply to the CP have stated that the petitioner's name has been included in the Live Casual Labour Register in the office of CEFO (Chg./TDL and no person junior to the petitioner as per that Casual Labour Register has been re-engaged as casual labourer under the said CEFO(Chg.)/TDL. They have further submitted that certain persons have been appointed as substitute against regular vacancy in other seniority units at Kanpur on regular pay scales and allowances in accordance with paras 1512 and 1513 of Indian Railway Establishement Manual. In view of this, learned counsel for the respondents submits that the engagement of other substitutes was in a different unit at Kanpur and not at Tundla. Learned counsel for the petitioner submits that there is a single seniority list in respect of the casual labourers. We find that there

(LJ)

in the direction in the aforesaid
is no specific mention about separate or single seniority list in the Live Casual Labour Register. In his petition, the petitioner raises a plea of Divisional Seniority List as an integral unit whereas the respondents have stated that there are separate seniority units for the purpose of engagement of casual labourers. This is a new plea and cannot be taken up in a CP.

3. Learned counsel for the petitioner also submits that in the appointment orders issued to the substitutes at Kanput unit, they have used the word "casual labourer/Fresh Face/Substitute Group-D". From this, he argues, it is clear that fresh persons have been appointed. Since this matter is not considered in a CP, we are unable to go into this. It is, however, open to the petitioner to agitate the matter in a fresh petition. In the light of this, this CP is dismissed, and notice discharged

by me


(T.N.Bhatt)
Member (J)

by me


(K.Muthukumar)
Member (A)

aa.