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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

CP 251/94 IN  
DA 2672/92

New Delhi, This the 10th Day of October 1994

Hon'ble Shri Justice S C Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri Ram Khilari aged about 29 years  
s/o of Shri Gilli Ram  
r/o 101, Railway Colony,  
Maharajpur, Gwalior - 274020  
working as Monthly rated casual labour helper  
pump Operator at the Director, IRCAMTACH  
Maharajpur, Gwalior.

..Applicant

By Shri H P Chakraborty, Advocate

Versus

1. Shri A K Banerjee  
General Manager, Central Railway  
Bombay VT.
2. Shri Vinod Kumar Aggrwal  
Divisional Railway Manager  
Central Railway  
Jhansi
3. Mr. Bijendra Singh Kushwaha,  
Director, Indian Railway Centre for  
Advanced Maintenance Technology (IRCAMTECH)  
Maharajpur, Gwalior 274020  
now, Divisional Railway Manager  
Northern Eastern Railway, Sonpur.
4. Shri Jeshphilip,  
Director, Indian Railway Centre for  
Advanced Maintenance Technology (IRCAMTECH),  
Maharajpur, Gwalior - 274020; and
5. Shri Mahoj Kumar Pandey  
Senior Divisional Personnel Officer  
Central Railway,  
Jhansi.

...Respondents.

ORDER(Oral)

Hon'ble Shri Justice S C Mathur, Chairman

1. The applicant through this Contempt Petition  
seeks enforcement of the directions contained in  
this Tribunal judgement and order dated 16.3.93.

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2. In his original application the grievance of the applicant was that he was engaged as a daily labourer and he had been disengaged while two persons junior to him had been retained. The Tribunal disposed of the original application by Judgement and order dated 16.3.93. By this order it was directed that the applicant shall not be disengaged as casual labourer by the respondents so long as they need the services of a casual labourer and shall be engaged in preference to any outsider or any person junior to him. After disposal of the original application the applicant's services were dispensed with by order dated 27.4.93. The applicant felt aggrieved and filed CCP 387/93 on the plea that disengagement of the applicant was in violation of this Tribunal judgement and order dated 16.3.93.

3. In the aforesaid contempt application a counter affidavit was filed on behalf of the administration in which the charge of disobedience was denied and it was asserted that no casual labourer had been retained in service. No rejoinder affidavit was filed on behalf of the applicant and the proceedings were dropped by order dated 30.11.93. The applicant alleges that he was not given opportunity to file rejoinder affidavit and his case was disposed of on the date the counter affidavit was filed. It is for this reason that the applicant has filed the present application on 29.7.94.

4. Leaving aside the dispute pertaining to filing of rejoinder affidavit it is not disputed by the learned counsel for the applicant that the contempt was committed on 27.4.93. The contempt proceedings before this Tribunal are governed by the provisions of the Contempt of Courts Act 1971. Section 20 of the said Act states that no court

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shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the the date by which the contempt is alleged to have been committed.

The present application was filed after the expiry of one year from 27.4.93. Therefore the present application is barred by time as prescribed under section 20 of the Contempt of Courts Act 1971. The learned counsel for the applicant submitted that the applicant is merely seeking enforcement of the judgement of this Tribunal. The judgement of the Tribunal in the present proceedings can be enforced only by issue of contempt notice. Since it is not possible to issue contempt notice at this late stage it is futile to issue any notice to the respondents.

5. In view of the above, the application is rejected. There is no order as to costs.

P.T. Thiruvengadam

(P.T. THIRUVENGADAM)  
Member(A)  
10-10-94

S.C. Mathur

(S.C. MATHUR)  
Chairman  
10-10-94

LCP