

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ; ALLAHABAD

CIVIL CONTEMPT PETITION NUMBER 210 OF 2001

IN

ORIGINAL APPLICATION NUMBER 946 OF 1996

FRIDAY, THIS THE 14th DAY OF FEBRUARY, 2003

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN
HON. MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

1. Bachu Prasad,
s/o Sukhari,
r/o village & Post Tikampar,
Tehsil Salempur,
Dist:- Deoria.
2. Balram Singh,
s/o Yadunandan Singh,
r/o village. Dangur Tola,
Tehsil Salempur,
Dist:-Deoria.
3. Shri Ram,
s/o Garju Shah,
r/o village & Post Tikampur,
Salempur,
Dist:- Deoria.
4. Parma,
s/o Bholi
r/o Village Danapur Tola,
Usaraham,
Post Bhatpar Rani,
Salempur,
Deoria.
5. Shrikant,
s/o Babu Ram,
r/o Raghunath pur,
Post Bankata,
Dist:- Deoria.
6. Rama Shankar,
s/o Shri Chhotey Lal
r/o Village & Post Tikampur,
Tehsil Salempur,
Dist:- Deoria.
7. Radhey Shyam,
s/o Sri Surya Bali,
r/o Chhotake Gaon,
Bhatpar Rani,
Deoria.
8. Rajendra,
s/o Sri Jagat,
r/o Village & Post Kharasar,
Tikampur, Khampar ,
Dist:- Deoria.
9. Ramanand,
s/o Sri Chandra Deo,
r/o Village Chhotka Gaon,
Post Bhatpar Rani,
Salempur,
Dist:- Deoria.



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10. Ram Bali,
s/o Sri Dhanu,
r/o village Majhauji Raj,
Salempur,
Dist:- Deoria.
11. Kailash Yadav,
s/o Vishwanath Yadav,
r/o village Holai Pur,
Bhera Pakar,
Bankata,
Dist:- Deoria.
12. Bikau,
s/o Tilak,
r/o village Chhotaka Gaon,
Post Bhatpar Rani,
Dist:- Deoria.
13. Lal Bahadur,
s/o Sahdeo,
r/o Village Danpur,
Post Julvan Tola,
Dist:- Deoria.
14. Shiv Shankar,
s/o Shri Harihar
r/o village & Post Barka Gaon,
Dist:- Deoria.
15. Yogendra,
s/o Sri Pitambar,
r/o Village & Post Kharasar,
Tikampur Khampur,
Dist:- Deoria.

..... ..Applicant.

(By Advocate:-Shri A.B.Singh)

V E R S U S

The Deputy Chief Engineer (Construction),
Lucknow.

... ..Respondents.

(By Advocate:- Shri D.Awasthi)

By this application under Section 17 of the
A.T. Act, 1985, the applicants pray to punish the respon-
dents for wilful disobedience of the order dated 1.6.2001
passed in O.A. No.946/1996. The direction given in the
O.A. was as under:



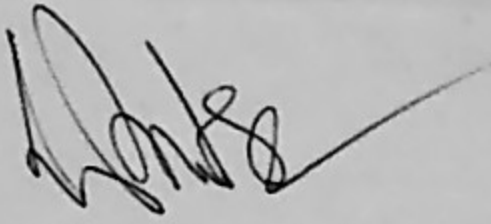
"In these circumstances, if applicants are serving from before the engagement of persons shown in the list (Annexure-5), their interest should be protected to the extent that they should be offered job first. For this purpose applicants may make applications before respondent No.3, Executive Engineer who will consider the application and grievances of the applicants and after examining the matter, issue necessary direction within a month from the date a copy of this order alongwith application is filed before him."

2. The case of the applicants is that persons shown in the list filed as Annexure-1 are being given work, whereas the applicants are being ignored and in this way, the order of this Tribunal has been dis-obeyed. Notice^u was issued to the respondents, in response to which a counter affidavit has been filed annexing therewith orders passed against each of the individual applicant stating in each order that as there is no vacancy existing in Varanasi Construction Division, the re-engagement of the applicant is not possible. The learned counsel for the applicants has submitted that the respondents are giving engagement to the persons shown in the list Annexure-1, which was Annexure-5 in the O.A. The supplementary^u counter^u affidavit has been filed on 6.2.2003, in para 7 whereof, it has been specifically averred that the B.G. Construction Division has not re-engaged any of the casual labourers mentioned in the list Annexure-5 and there is no violation of the order.

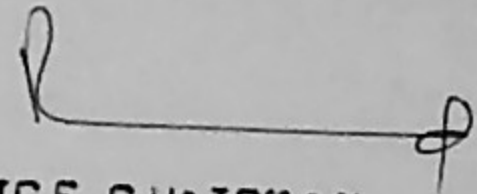
3. It has also been stated that all Casual Labourers in question were being re-engaged by the Assistant Engineer Sewan (Open Line), who was not a party in the O.A. In these circumstances, in our opinion, it is difficult to say that a case of contempt is made out against Shri R.B. Yadav, Deputy Chief Engineer (Construction), Lucknow, who was not even a party in the O.A.



4. There cannot be any dispute that B?G. Construction Division, ^{and} ~~of~~ Sewan (Open Line), are different units. In the circumstances mentioned above, we do not find that any case of contempt is made out against the respondents. The applicants, if they have any grievance against the action of Assistant Engineer, Sewan (Open Line) and if they are so advised, they may file a fresh D.A. This contempt petition is dismissed and the ^{notice is u} ~~respondents~~ ^{are} discharged with no order as to costs.



MEMBER (A)



VICE CHAIRMAN

psp.