

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

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Allahabad : Dated this 29th day of August, 2001.

Civil Misc. Contempt Application no.88 of 2001

In

Original Application No.1113 of 1998.

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiquddin, J.M.

1. Udhum Singh son of Shri Brahma Deen,
2. Awadh Narayan Son of Sri Tej Pratap,
3. Gyan Singh Son of Shri Brahma Deen,
4. Krishna Prasad son of Shri Prahlad,
5. Mati son of Shri Sukru.
6. Chunnu Lal son of late Shri Bhai Lal.

All residents of Military Dairy Farm,
Allahabad.

(Sri V.P. Shukla, Advocate)

. Applicants

Versus

1. Brigadier V.P. Singh, Dy. Director General,
Military Farms, Q.M.G. Branch, Army
Headquarters, R.K. Puram, West Block III,
New Delhi.
2. Col A.S. Rathore, Director, Military Farms,
HQ Central Command, Lucknow.
3. S.S. Sisodia, Officer-in-Charge, Military Farms,
Allahabad.

(Sri Rajiv Sharma, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. S. Dayal, A.M.

This contempt application has been filed for punishing the respondents under Contempt of Courts Act for wilful disobedience of the order dated 28-11-2000 passed by this Tribunal. Learned counsel for the applicant has submitted that since oral termination has been set aside the applicants should have been taken back in service by the respondents and should have been regularised within a period of four months. The respondents not having done so are highly liable for being punished for the contempt of the Court.

2. Learned counsel for the respondents on the other hand has drawn our attention to Annexure-2 to the counter reply which is dated 19-7-2001 addressed to the applicants. The applicants have been informed that no work was available in the Military Farm for casual labourers. They have also stated that no casual labourer has been engaged in the Military Farm at present from open market. They have also given assurance to the applicants that as soon as work is available for casual labourer in the Military Farm, they will be provided the job as per seniority list of casual labourers. They have also been informed that the case for regularisation has been considered. Since no post was available for regular appointment and 43 posts of permanent Group 'D' staff have become surplus to the requirement of Military Farm, Allahabad, all surpluses have been adjusted in other defence units. They again have been assured that as soon as posts become available, their cases shall be considered as per seniority list.

3. Learned counsel for the applicant has contended that the direction was issued to the respondents to engage the applicants as casual labourers in which position they were working before their termination

and for their regularisation within four months from the date of the order and hence the plea of the respondents cannot be considered. We have examined this contention. The direction of the Tribunal in DA No.1113 of 1998 was as follows:-

"The application is allowed and the oral termination is set aside. The respondents are directed to provide job to the applicants as casual labourers whenever work is available and to consider the case of the applicants for regularisation within a period of four months in the light of the order dated 15-12-1998. There will be no order as to costs."

4. The phraseology of the order shows that although oral termination was set aside the respondents were directed to provide job to the applicants as casual labourers whenever work was available. No obligation was cast on the respondents to regularise the services of the applicants but the obligation was to consider the case of the applicants for regularisation within a period of four months.

5. Learned counsel for the applicant contends that the claim of the respondents that no casual labourer was engaged in the Military Farm nor any casual labourer was being engaged from the open market is not factually correct. We find from the rejoinder affidavit that the applicants have named no persons who have been engaged as casual labourer from open market to counter claim of the respondents made in Annexure-2 to the counter reply.

6. The applicants will be free to take up this matter in case they are able to show that casual labourers or persons from open market have been

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engaged after the judgement of the Tribunal or after the applicants were terminated. Subject to that we find no contempt to the order of the Tribunal. The contempt application, is, therefore, dismissed and notices issued are discharged.

Ramnath *Isa*
Member (J) Member (A)

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