

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Civil Misc. Contempt Petition No.88 of 2004.

in

Original Application No.1371 of 1998.

Allahabad, this the 27th day of October, 2005.

Hon'ble Mr. A.K. Bhatnagar, J.M.
Hon'ble Mr. D.R. Tiwari, A.M.

Beni Prasad Misra,
S/o Sri N.L. Misra,
aged about 28 years,
Ex-Class IV employee
Central Excise & Customs
Allahabad.

....Applicant.

(By Advocate : Shri K.C. Saxena)

Versus

Sri A.K. Bhatnagar,
Commissioner C.E. & Customs, Allahabad.

.....Respondents.

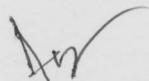
O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M. :-

Heard learned counsel for the applicant.

2. Learned counsel for the applicant submits that the applicant alongwith others have filed an OA No.1371/98 which was decided on 12.3.2003, by which the following order was passed :-

"The regularisation has been claimed on the basis of Government Scheme circulated on 10.09.1993 which was effective from 01.09.1993. The condition was that on the aforesaid date the concerned person should be in employment. This condition is not satisfied by the applicants hence they are not entitled for any direction about regularisation.




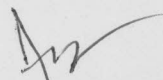
...2.

However, as the applicants have already served the department for some time, they are entitled for engagement when the department needs hands for discharging duties as casual labourers. For this purpose they shall be preferred against those who have been engaged subsequently."

3. At this stage, learned counsel for the applicant submitted that the respondents have employed 19 other persons in the light of the aforesaid judgment passed but the claim of preference of the applicant has been ignored. We have gone through Annexure C-2 i.e. a representation sent to Commissioner Central Excise, Allahabad on 23.2.2004 in which the names of the persons employed have been mentioned by their first names without parentage or any address.

4. After hearing the counsel, we find no reason as to why the notice be issued to the respondent. Accordingly, the Contempt Petition is dismissed in limine. However, liberty is granted to the applicant to come on the original side if feels aggrieved and if so advised.


Member-A


Member-J

RKM/