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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 23rd Day of August, 2012)

Hon'ble Mr. Sanjeev Kaushik-JM
Hon'ble Mr. Shashi Prakash, AM

Civil Misc. Contempt Petition No.181 of 2005
(Arising out of Original Application No.1371 of 1999)

1. Omee son of Kallo Singh, Resident of Village Pawarsa, Post Office Daurala, Meerut.
2. Sri Om Sharma Son of R.C. Sharma Resident of LB-59 Pallavpuram Phase-II Modipuram Meerut.
3. Ansua Prasad son of Shyam Lal Resident of P-329 Pallavpuram Phase-II Modipuram Meerut.
4. Anil Prasad Son of Shyam Lal, Resident of P-329 Pallavpuram Phase-II, Modipuram Meerut.

..... Applicants

By Advocate: Shri Ajay Rajendra

Versus

1. Veer Pal Singh son of not know, Joint Director Central Potato Research Institute Campus, Indian Council of Agricultural Research Modipuram Meerut.
2. S.K. Pandey son of not known, Director of Central Potato Research Insitute Shimla (H.P.).

..... Respondent

By Advocate: Shri Manoj Kumar

ORDER

The present Contempt Petition has been filed alleging non compliance of order dated 06.05.2005 passed in O.A. No.1371 of

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1999. Pursuant to the notice, respondents represented through Shri Manoj Kumar, who filed Supplementary/Clarification Affidavit dated 06.08.2012. The Paragraph Nos. 4 to 7 of the same is reads as under:-

"4. That zero payment has been shown against some of the months with effect from December, 1993 in cases of both the applicants because the applicants did not report for work during these months. In other months also, the number of actual working days in respect of both the applicants, have been clearly shown in the Affidavit (Annexure -2) as a separate column, "No. of Days". Initially, casual labourer wages and subsequently arrears were disbursed to both the applicants based on these numbers of actual working days.

5. That as regards zero payment for the period October 2001 to September, 2004, and May 2007 to Sept., 2008 (in respect of Shri Anil Prasad) and Nov., 2001 to Nov. 2002 (in respect of Shri Om Sharma) a detailed reply was submitted at Sl. No.8 (para 2 & 3) of Supplementary Rejoinder Affidavit dated 15th March, 2012 and is reproduced below -

"However, the respondents want to humbly submit that as per instructions of the Council vide D.O. No.24(15)/93-CDN, dated 09.12.1994, the entire work of casual/intermittent nature was given to the Contractor w.e.f. 2001 onwards and the engagement of casual labourers through muster roll was stopped. It was clearly mentioned in the Terms & Conditions of the contract that the contractor shall carry out farm operations at CPRI Campus as per work requirement. The conditions No.21 & 23 of the Terms & Conditions clearly mentioned that the contractor shall employ the labourers and discharge all their legal obligations in respect of their employees with regard to other service conditions and shall submit their bills for the work done every month for payment. True/Photostat copy instruction dated 09.12.1994 and the proceedings to employee contractor to engage the casual labourers are filed and marked as Annexure

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SRA-6 and SRA-7 to this Supplementary Rejoinder Affidavit.

6. That in view of the above, the respondents were not supposed to maintain attendance register of the labourers employed by the contractor. It was upto the contractor to maintain such records for payment. The monthly bills were raised for the work done during that period and payments were made by the department from the public money accordingly to the contractor. Since the arrears were to be paid to the applicant No.2 & 4 Shri Om Sharma and Shri Anil Prasad, on the basis of difference of due & drawn wages they got while working as casual labour granted with temporary status, the respondent department tried its best efforts to trace the records for calculating their arrears but found only the work bills raised by the respective contractors for the period Oct. 2001 to Sept. 2004 and May 2007 to Sept. 2008 (in r/o Sh. Anil Prasad) and Nov. 2001 to Nov. 2002 (in respect of Shri Om Sharma). Similarly, attendance sheet were not available for the said period as informed by the contractors, as such, the zero is shown for the aforesaid period making specific note on it and consequently arrears for this particular period could not be calculated and paid to the applicants. The concerned contractors were requested to provide the records of employment of S/Shri Om Sharma and Anil Prasad during this period but due to lapse of considerable time, these contractors showed their inability to provide records as the same is not available with them Annexures SCA-1 & SCA-2.

7. That in view of the above said facts it will appear that the deponent has taken his all efforts to comply with the order of this Hon'ble Court in its true letter & spirit and has cleared the payment of arrears etc. of the said persons keeping in view of availability of relevant service records/attendance sheets related with them. However, even if it is found by this Hon'ble Court that something still lacking on the part of the deponent, then necessary direction in this regard may kindly be issued to for which he undertakes to comply further as per the directions of this Hon'ble Court. It is humbly submitted that the arrears could not be paid for this period to said persons due to non-availability of aforesaid records, as such, it is humbly prayed by the deponent before this Hon'ble Court

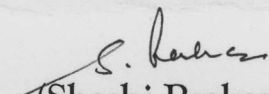
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for issuing a suitable direction in this regard to enable the deponent to take further action accordingly in the matter. ”

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2. From the perusal of the above, we are satisfied that the order passed by the Tribunal has been complied with. Accordingly, the Contempt petition is dismissed notices issued to the respondents are discharge.

3. If still the applicant is aggrieved then he has at liberty to make a detailed representation to the respondents which shall be decided by the respondents in accordance with the law.


(Shashi Prakash)
Member-A


(Sanjeev Kaushik)
Member-J

Sushil