

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 25th day of April 1997.

Contempt Application no. 94 of 1995
in
Original Application no. 439 of 1992.

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

1. Ashok Kumar Mishra, S/o Sri Yadheda Nand Mishra, R/o Leelapur, P.O. Leelapur, District Allahabad.
2. Ram Bahadur Yadav, S/o Sri Sukh Deo, R/o Village and Post Kotwa, District Allahabad.
3. Badadeen, R/o Village Kotwa, Janinunipur, Post Janiunipur, Allahabad.

... Applicants.

C/A Sri H.P. Pandey

Versus

1. Sri Mahendra Nath Chopra, D.R.M., Allahabad.
2. R.D. Tripathi, Senior Divisional Operating Manager, D.R.M., Office, Allahabad.
3. Om Prakash Mishra, Divisional Personnel Officer, D.R.M. Office, Allahabad.

... Respondents.

C/R Sri A.K. Gaur,

O R D E R

Hon'ble Mr. S. Dayal, Member-A.

This is a contempt petition under Section 17 of the Administrative Tribunals Act, 1985.

2. The applicant in this case who was also an

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applicant in OA 439 of 1992 and contempt petition no 1048/93 arising from the aforesaid OA, has alleged that the respondents in those cases had deliberately flouted and disobeyed the judgments in those two cases.

3. The judgment dated 11.01.93 in OA 439/92 directed the respondents to include the names of the applicants in Live Register as they had worked for more than 240 days and also consider their names for reemployment in case any person junior to them has been re-engaged or subsequently appointed. The time allowed for implementation of the judgment was two months from the date of communication of the order. In a subsequent petition for contempt filed by three of the applicants in OA 439/92, the tribunal had found that verification of service of applicants could not be completed in the absence of copies of the casual labour servicecards which had been issued to the applicants and that there was no wilful non-compliance or disobedience of the directions of the tribunal contained in its order. The tribunal, however, issued directions in Contempt Petition no. 1048/93 to the contemner to complete the consideration/verification of the facts relevant for inclusion of the names of the remaining applicants in the Live Casual Labour Register within six months from the date of the order which was 18.08.94.

4. The respondents in their reply to the notice for contempt have stated that the names of the petitioners have already been entered in the Live Casual Register against computerised card nos. 4752 and 4753.

5. The applicants in this contempt petition have charged

the respondents with contempt of court because the Railway Administration did nothing inspite of directions of the tribunal regarding employment and absorption of the applicants in Rail Administration.

6. We have heard Sri H.P. Pandey for the applicants and Sri A.K. Gaur for the alleged contemners and have carefully considered the pleadings. Our orders are contained in the ensuing paragraphs.

7. It is clear that the direction regarding consideration of the names of the applicant for re-employment in case any person junior to them has been re-engaged was conditional and can not be made an issue in contempt after the judgment in contempt petition no. 1048/93 in which the fresh direction was only for inclusion of the names of the remaining applicants in the Live Casual Register, which was done by the alleged contemners. The question of non-engagement of the applicants on the ground that their juniors have been engaged is not now available to the applicants for charge of contempt against the alleged contemner and, therefore, it is not necessary to go into the question in this order as to whether juniors were engaged or not.

8. The application for contempt fails. The notices issued to alleged contemners are withdrawn and the alleged contemners are discharged.

Sd/-
Member-A

Sd/-
Member-J

Comptd
for

/pc/