

CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH,  
ALLAHABAD.

6  
Date of order August  
July 18, 1994

Contempt Petition No.1048/93

in

O.A. No.439/92.

Babadin & Others :::::::::: Applicants

(By Shri H.P.Pandey,  
Advocate) Vs.

Shri A.K.Jain, Divisional  
Rail Manager, Northern  
Railway, Allahabad, & Ors. :::::::::: Respondents

(By Shri J.N.Singh,  
Advocate)

HON'BLE MR. T.L. VERMA, MEMBER (J)  
HON'BLE MR. K. MUTHUKUMAR, MEMBER(A).

O R D E R

(By Hon. Mr. K. Muthukumar, A.M.)

In this contempt application, moved by the applicants, it has been alleged that the respondent Divisional Railway Manager, Northern Railway, Allahabad, has wilfully disobeyed the directions of this Hon'ble Tribunal contained in their Judgment dated 11-1-1993 in O.A. No.439/92. In that judgment, the Tribunal has directed the respondents as follows:-

"As the applicants have worked for more than 240 days, obviously, certain rights accrued in their favour. Accordingly, the respondents are directed to include the names of the applicants in the Live Register and consider their names for re-employment in case any person junior to them has been re-engaged or subsequently appointed. Let this decision be done by the respondents within a period of 2 months from the date of communication of this order."

It has been alleged that in spite of the applicant serving the aforesaid direction to the respondent, which has been duly received by him and even after serving the notice regarding contempt action due to non-compliance of the order of the Tribunal, the respondent/<sup>knowingly and</sup> wilfully ~~xxx~~ has not complied with the directions and therefore the alleged contemner is liable for punishment under section 27 of the Central Administrative Tribunals Act 1985.


In their reply to the contempt application, the respondents have made the following averments.

- i) The respondents had already entered the names of Shri Babadin, the main applicant at Sr.No.10 of the Casual Labour Live Register in 1987-88 in the unit concerned. Similarly, the name of Shri Ashok Kumar and another applicant is also available in the Central Labour Live Register Computer Print and at Sr.No.4743. In the case of the other applicant Shri Suber Babadin, ~~xxxxxx~~ his name is not available with the computerised Casual Labour Live Register and has been required to produce original Casual Labour card for verification and on production his name would be entered.
- ii) In regard to other remaining applicants they have not submitted their original/<sup>casual</sup> Labour service card and photocopies filed by them in original application are illegible and are not susceptible of verification and despite the~~xx~~ efforts of the respondents to locate their names, in the Central/<sup>casual</sup> Labour Live Register, it could not be made until the original cards are produced by them and excepting 3/4 applicants, no other applicant has filed the copies of original Casual Labour service cards to consider inclusion of their names.

iii) The respondents are always willing to carry out the directions of the Tribunal and they have not committed any wilful disobedience of the order/direction of this Tribunal.

The counsel for the applicant argued that no serious attempt has been made by the respondents to verify their own records for including the names of the applicants in the Live Casual Labour Register. The counsel for the respondents pointed out that the applicants were stated to be working as far back as 1976 and the respondent has made all efforts to locate the names in their records and the non-production of the original casual labour cards by the applicants was the reason for their names not having been included so far in the Casual Labour Live Register ~~and~~ after proper verification, and there was absolutely no intention on the part of the respondents to disobey the directions of this Tribunal.

We have heard the arguments and perused the records. In the order/direction of this Tribunal dated 11-1-93 it has been pointed out that as the applicants had worked for more than 240 days, certain right accrued in their favour, and therefore, they are entitled to have their names included in Casual Labour Live Register for reengagement. We find that respondents have in fact admitted locating only two applicants' names in their Register and regarding the rest of the applicants, are not able to verify and include their names in the Register, in the absence of copies of casual labour service Cards issued to the applicants. From this it appears that the respondents cannot be held to have wilfully disobeyed the directions of this Tribunal and therefore the allegation of wilful non-compliance of the order of this Tribunal is not established.



The respondents have argued that they are always willing to carry out the directions of the Tribunal.

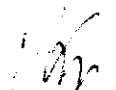
We cannot, however, help observing that it is not enough to merely make declaration of willingness <sup>to</sup> ~~act~~. This has to be rendered meaningful by speedy and genuine action to complete the inclusion of these names of the applicants in the Casual Labour Live Register, if they are otherwise found eligible, with reference to such verification as the respondents have to make in this regard. We find that already considerable time has elapsed and the rights of the applicants as may have accrued to them as per the Scheme of Railways approved by the Hon'ble Supreme Court in Indrapal Yadav & others Vs. U.O.I. (1985 S.C.C. (L & S) 526, cannot be allowed to hang on indefinitely.

The respondents are, therefore, directed 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 a reasonable time-frame say, 6 months from the date of this order.

With this direction the contempt application is disposed of and there is no order as to costs.

  
MEMBER(A)

Dated: 18/8/94.

  
MEMBER(J)