

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

Allahabad : Dated this 28th day of , 1996

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Civil Contempt Application No.80 of 1995

Laxami Narain Singh
Son of Shri Anant Ram Singh,
Resident of 11, K.G.Tola, Rani Mandi,
Allahabad.

(By Sri R.C. Sinha, Advocate)

. Applicant

Vs.

1. Shri V.K. Agarwal,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri Anurudh Kumar Jain,
Divisional Railway Manager,
Allahabad.

(By Sri A.K. Gaur, Advocate)

. Opposite Party

IN

Original Application No.565 of 1994

Rajendra Kumar and Others. Applicants
Vs.

Union of India and Others. Respondents

ORDER

By Hon'ble Mr. S. Das Gupta, A.M.

This contempt application was filed alleging non-compliance with the direction contained in the order dated 15-4-1994 by which the OA No.565 of 1995 was summarily disposed of.

2. The direction contained in the aforesaid order is reproduced below :-

W.C.

(5)

"We deem it fit and proper at this stage to pass the following order; It is directed that for any appointment on the post of 'Casual Labour', that may be made in the ensuing summer, each of the applicants case shall be considered for the same by the respondents in preference to any junior who had put in less number of days of work earlier in comparison to the applicants. The case of the applicants for regularisation shall also be considered in accordance with law."

3. The applicant has alleged that the respondents have not taken any cognizance of the order passed by the Tribunal and have taken no action for compliance with the directions of the Tribunal.

4. The respondents have contested the case by filing a counter reply in which it has been stated that the aforesaid direction was given by the Tribunal exparte without issuing notice to the respondent. However, on receipt of the copy of the judgement of the Tribunal, the matter was examined at length and it was found that the allegations ^{made} ~~made~~ were not correct. The working certificates appear to be forged as they were not issued by the competent authority on prescribed printed casual labour service card. It is further averred that in compliance with the direction of the Tribunal, the respondents have also informed the applicant that since 1992 no Hot Weather Casual Watermen have been engaged due to ~~this~~ discontinuance of the scheme as per the orders of the General Manager, Northern Railway. A copy of this letter is annexure-1 to the counter reply.

5. The applicant has filed a rejoinder affidavit and controverted the averments of the respondents.

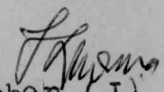
6. We heard the learned counsel for the parties and carefully perused the record.

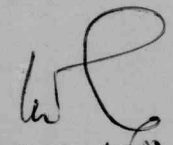
W & Co.

7. The order dated 15-4-1994 was passed by a Bench of this Tribunal at the admission stage itself without issuing notice to the respondents. In the case of Lekhraj the Principal Bench ^{observed} ~~noticed~~ that the direction given by ~~the~~ another Bench ~~was~~ without having issued notice to the respondents, was violative of the principles of natural justice and ~~and~~, therefore, required to be reviewed. On this ground the contempt application filed was dismissed.

8. In the case of Director ESI Scheme, Orissa and another Vs. Sabita Mohanty (Smt) (Dr.) reported in (1995) 30 ATC 131, the Hon'ble Supreme Court has also held that as the Bench of the Tribunal which had decided the matter did not even inform the respondents in that case and granted relief to the applicant without even giving an opportunity to the respondents of being heard, the order of the Tribunal was bad in law. It further held that this perception of the tribunal as to the ends of justice and their expeditious attainment prevailing over the delays inherent in what the tribunal assumes to be a dispensable formality of the filing of a counter and hearing of the other side is wholly erroneous and entirely unsupportable.

9. In view of the principles laid down in the aforesaid case, it is quite clear that the order dated 15-4-1994 which was passed by a Bench of this Tribunal without issue of notice to the respondents is ^{against the respondents,} ~~ex parte~~. In view of this we are not inclined to ^{continue} ~~initiate~~ contempt proceedings against the respondent. The proceedings are dropped and the notices issued are discharged.


Member (J)


Member (A)

Dube/