

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 13th DAY OF Sept, 1996

Civil Misc. Contempt. Petition No. 149 of 1995

In

Original Application No. 1255 of 1993

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR. D.S. BAWEJA, MEMBER (A)

Anand Prakash Tiwari, son of
Shri Hari kishor Tiwari,
Resident of village Rasoolpur, P.O.
Ram Nagar Bhojpur, District
Pratapgarh

Applicant

BY ADVOCATE SHRI H.P. PANDEY

Versus

1. Shri M.N. Chopra,
Divisional Rail manager,
Northern Railway, Alld. Division
2. Om Prakash Mishra, Divisional
Personnel officer, Northern Railway
Allahabad Division, Allahabad.
3. R.D. Tripathi, Divisional Operating
Manager, Northern Railway, Allahabad.

Respondents

BY ADVOCATE SHRI A.K. GAUR

O R D E R (Reserved)

JUSTICE B.C.SAKSENA,V.C.

We have heard the learned counsels for the parties. applicant had filed OA No. 1255/93. He had, interalia, prayed for a direction to the respondents to employ the applicant on the post of Khalasi and to direct the respondent no.1 to enter the name of the applicant in the Live Casual Labour Register. As far as the second relief is concerned, since in the counter affidavit it has already been indicated that the name of the applicant has been put in the Live Casual Labour Register, the said relief was not required to be granted. As far as the first relief is concerned, it was directed that the applicant who prays for re-engagement on the basis of total number of working days in the division and as per his serial number in the

Live Casual Labour Register shall be considered by the respondents and the applicant will be re-engaged in preference to the casual labours whose names occur below the serial number of the applicant in the said register.

2. The applicant appears to be under a misconception about the scope and interpretation of the said direction as given in order passed in OA 1255/93. The true purport of the said direction was that as and when re-engagement of the Casual labours is made preference would be given to the applicant in the matter of re-engagement in comparison to casual labours whose name occur below the name of the applicant in the said register. The applicant appears to harbour under a wrong impression that the said direction meant re-engagement of the applicant if casual labourers who have been continuing in service had a lesser number of working days when the applicant seems to be in employment.

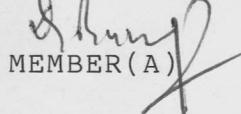
The contempt petition proceeds on this misconception .

3. The respondents have filed a short counter affidavit in which it has indicated that the applicant's name has been kept at serial no.11(Computer serial No.4709) of the Live casual labour register of Chief Controller, northern Railway, Allahabad. The stand of the respondents is that ten persons are still above the name of the applicant in the Live Casual Labour Register. Besides in the combined list of casual labour live register of Traffic and Commercial Department hundreds of casual labours are waiting for absorption and regularisation against regular Group 'D' posts. It has, however, been further indicated that the scheme of engagement of casual labour/H.W.S in traffic and Commercial department has since been discontinued. The applicant had been informed through letter dated 9.4.96 that when ever screening for Group 'D'

category posts will be carried out in future, the name of the applicant will be considered alongwith other eligible candidates from the casual labour live register. This letter is in accordance with the direction given by us in our order passed in OA 1255/93.

4. In the rejoinder affidavit the applicant has not made any averment which may show that the first 10 persons in the Live casual labour register who are above the applicant have been re-engaged after the decision in OA 1255/93.

5. In view of the above, we are satisfied that there has been no wilful disobedience to the direction given in OA 1255/93. The contempt petition therefore fails and is accordingly dismissed. Notice issued to the respondents is discharged.


MEMBER(A)


VICE CHAIRMAN

Dated: 13th Sept 1996

Uv/