

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 1st day of December 2000.

Contempt Application no. 02. of 2000

in

Original Application no. 1265 of 1992.

Hon'ble Mr. V.K. Majotra, Administrative Member
Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Radhey Shyam, S/o Narain,
R/o Village Chitteu Mau,
P.O. Mehraunda,
Distt. Allahabad.

... Applicant

C/A Shri K.S. Saxena

Versus

Shri Sukhbir Singh,
Divisional Railway Manager,
Northern Railway,
Allahabad.

... Respondents

C/R Shri A.K. Gaur

O R D E R (Oral)

Hon'ble Mr. V.K. Majotra, Member-A.

This is a contempt petition, made by the applicant on 18.01.2000 alleging that the respondents have not complied with direction contained in order dated 12.11.98 in OA no. 1265 of 1992. The following

Directions were made in the order dated

11.11.98 as

"In the result, O.A. is allowed, respondents are directed to award temporary status to the applicant, his name be entered in Live Casual Register, engages him on the availability of work, and consider his case for absorption as per rules."

It is alleged that till date neither the applicant has been awarded temporary status nor his name has been entered in the Casual Labour Live Register (C.L.L.R.).

2. We have heard the learned counsel for the parties and perused the material on record.

3. Learned counsel for the applicant has drawn our attention to respondent's Suppl. C.A., in which it has been stated that the respondents have implemented h the order and directions of this Tribunal contained in order dated 12.11.98 in toto. The name of the applicant has already been kept in C.L.L.R. and the applicant has been granted the temporary status as directed by the Tribunal. Learned counsel contended that in effect, the action of the respondents in entering the name of the applicant in C.L.L.R. and accorded him temporary status does not mean anything. No effective steps have been taken by the respondents for processing the applicant for regularization and engaging him for work. Consequently, the applicant will remain un-engaged by the respondents

for a long time setting at nought, the direction given by the Tribunal.

4. Learned counsel for the respondents referring to his OA states that though as per records the applicant had worked for 75 days only vis-a-vis ~~it required~~ ^{Requirement of the} 120 days, in the order under consideration, the Tribunal had finally concluded that the applicant had worked for 225 days. On his advice, the Railway administration has accepted the findings of the Tribunal that the applicant had worked for 225 days, entered his name in the C.L.L.R. and granted temporary status to him. Learned counsel stated that even as per directions of the Tribunal, engagement of the applicant will depend\$ upon availability of work and absorption shall be as per rules and seniority. Learned counsel took strong objection to the delay caused in making this contempt petition. Whereas, the order was passed on 12.11.98, ~~and~~ ^{the 14} contempt petition has been filed after expiry of the prescribed period under law. In this behalf, learned counsel for the applicant stated that no time limit had been prescribed by the Tribunal in its order for implementation of its direction. The applicant received letter dated 7.12.99 (annexure CCAII) of the respondents in regard to implementation of direction of the Tribunal dated 23.11.98. Thus its limitation should be computed therefrom.

5. As far as the objection relating to limitation

in filing contempt petition is concerned. Section 20 of Contempt of Court's Act reads as under :-

"No court shall initiate any proceedings in contempt, either on its own motion or otherwise after expiry of a period of one year or the date on which the contempt is alleged to have been committed."

Since no date was prescribed for implementation of the order of the Court, Computation of limitation as provided under section 20 of the Act has normally to commence on the expiry of six months of the date of the order. In this view of the matter the contempt application filed by the applicant is within limitation.

6. However, since the respondents have already entered the name of the applicant in C.L.L.R. and accorded him temporary status, in our view no contempt of Court's order has been committed by the respondents. The applicant is to be engaged by the respondents on availability of work and his case for absorption is also to be considered as per his seniority and as per rules. There are no averment, that the applicant was not engaged despite availability of work and his case for absorption was not considered as per rules. Accordingly, the contempt application is dismissed. Notices issued are discharged. No order as to costs.

Subrata
Member-J

M. M. Rayamajhi
Member-A