

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 446 OF 2002

ALLAHABAD, THIS THE 7th DAY OF NOVEMBER, 2003

HON'BLE MRS. MEERA OHMIBBER, MEMBER(J)

1. Chedil son of Mithai Lal,
Resident of Block No.456/I,
Railway Colony (Pasiyana),
Smith Road, Allahabad.
2. Abrar Ahmed son of N.A. Siddiqui,
Block No.843/8, Goods shed Colony,
Northern Rly. Allahabad.

....Applicants

(By Advocate : Shri K.S. Saxena)

V E R S U S

1. The Union of India through General Manager,
Northern Rly. Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway,
Allahabad.

....Respondents

(By Advocate : Shri A.K. Gaur)

O R D E R

This O.A. has been filed by the two applicants against inaction of respondent No.2 as respondents have not decided the representations of the applicants inspite of directions given by this Tribunal in O.A. No.1474 of 1992 dated 14.09.2000.

2. They have ~~type~~ submitted that/the aforesaid O.A., this



....2/-

Tribunal had passed the following order:-

"Considering the facts that the applicants are poor Safaiwalas, respondents are directed to verify the working days of the applicants and if their names were entered in the Live Casual Labour Register, engaged them as Casual Safaiwalas as and when the work is available and grant them consequential benefits after counting their previous days as per extant instructions and Rules. The O.A. is disposed of accordingly."

3. Pursuant to this order, applicants had served a copy of the judgment vide letter dated 23.10.2000 (Pg.5) but till date respondents have not passed any orders on the representations given by the applicants. They have thus submitted that they have no other option but to file this O.A. to seek a direction to the respondents to comply with the directions given by this Tribunal in O.A. No.1474 of 1992 and on verification if the claim is found in their favour, respondents may be directed to re-engage the applicants and regularise them within a specified limit of time.

4. Respondents on the other hand have taken a preliminary objection to the maintainability of the O.A. itself by stating that this O.A. is not maintainable and if the direction given by this Tribunal, were not complied with by the respondents, the remedy open to the applicant was either to file a contempt petition or to file an execution application, but there is no provision to file ^{another} O.A. for getting the orders complied with given in an earlier O.A. Thus, they have submitted that this O.A. is barred by ^{order from the} Rule-2 C.P.C. and even otherwise the O.A. is clearly barred by limitation, it is liable to be dismissed on this ground alone.



5. On merits they have submitted that as per applicants own averment, [redacted] he had lastly worked as Casual Labour Safaiwala for 37 days only during Kumbh Mela and vide letter dated 26.12.2001, a detailed position of applicants was furnished alongwith their verified working days to the D.R.M. Northern Railway, Allahabad. Even though, they have stated that letter is annexed but there is no annexure found with the counter affidavit for which objection is taken by the applicants in their rejoinder as well. They have further submitted that no person junior to the applicants at all have been reinstated in service and the names of the applicants are found in the Live Casual Labour Register in the Unit of C.D.O., Allahabad at serial No.11 as applicant No.1 had worked for only 41 days. They have thus, submitted that this O.A. may be dismissed.

6. I have heard both the counsel and perused the pleadings as well.

7. Even though technically speaking the objection taken by the respondents is correct because there is no provision in the Act which provides for filing another O.A. in order to get the directions issued by the Tribunal in the first O.A. executed. yet stand taken by the respondents cannot be appreciated because it is not necessary that in every case, applicants must be dragged to the court for filing a contempt petition in order to get the directions issued by the Tribunal implemented. After all when directions are issued by the Tribunal they are



meant to be implemented by the respondents without any further coercion or pressure from the courts or the applicants. In normal course, we would not have interfered in this case at all but since respondents have themselves stated in the Counter Affidavit that number of days were verified and the same was informed to the D.R.M. vide letter dated 26.12.2001 and the same has already been made ~~in the~~ annexures to the Counter Affidavit. It was incumbent on the part of the respondents to have annexed the said annexure with their Counter Affidavit. The same is however, missing in the Counter Affidavit as ^{sub B} already pointed above. Therefore, we are directing the respondents to atleast give ~~gives~~ that ~~a~~ copy of the letter within 4 weeks from the date of receipt of a copy of this order ^{that is B} to the applicants as ~~is~~ supposed to be a part of the Counter Affidavit.

8. With the above direction, the O.A. is disposed off with no order as to costs.



MEMBER (J)

shukla/-