

Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

...

Contempt Petition No. 182 of 2003

In

Original Application No. 761 of 1995

this the 8th day of October 2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)  
HON'BLE MR. S.C. CHAUBE, MEMBER(A)

1. Rajinder Singh, S/o Sri Mahavir Singh.
2. Purshottam, S/o Sri Padam Singh.
3. Dhaniram, S/o Sri Bhagwant.
4. Janak Singh, S/o Sri Matoi Ram.
5. Ramole S/o Sri Shiv Lal.
6. Umesh Chandra, S/o Sri Ameri Singh.
7. Ram Deo, S/o Sri Narain Singh.
8. Bhoori Singh, S/o Sri Deoji.
9. Shyam Lal, S/o Sri Rej Pal.
10. Mohd. Rafiq, S/o Sri Mohd. Ghafoor.
11. Mahendra Singh, S/o Sri Lahrey Lal.
12. Surendra Singh, S/o Sri Bal Kishan.
13. Layak Singh, S/o Sri Puttoo Rai.
14. Satya Prakash, S/o Sri Rattan Singh.
15. Om Prakash, S/o Sri Mahavir.
16. Dhani Singh, S/o Sri Nathi Lal.
17. Gopal S/o Sri Nihal Singh.
18. Ram Bahadur, S/o Sri Ram Prakash.
19. Satya Prakash, S/o Sri Damodar Prasad.
20. Janak Singh, S/o Sri Bhatey.

... Applicants.

By Advocate : Sri S.K. Pandey.

*S.K.P.* Versus.

1. Sri Madhuresh Kumar, D.R.M., Central Railway, Jhansi.

2. Sri Amit Saxena, D.R.M. (Commercial), Central Railway, Jhansi.

... Respondents.

By Advocate : Sri D.C. Saxena.

ORDER

BY S.C. CHAUBE, MEMBER(A)

The present Contempt petition has been filed against the respondents for wilful and deliberate disobedience of the order dated 1.1.2003 passed by this Tribunal in O.A. no. 761 of 1995 in re. Rajinder Singh & Others vs. Union of India & Others. While deciding the aforesaid O.A., the Tribunal gave the following directions:

" (i) All the applicants shall be considered for regularisation in their own turn and in case any of the junior has been so regularised, the applicants who were senior and are considered fit, shall be considered to have been regularised from the dates of regularisation of such juniors.

(ii) Meanwhile they shall be considered for re-engagement as casual waterman in preference to their juniors."

2. Accordingly, the respondent no.1 issued the order dated 26.5.2003 rejecting the representation of the petitioners. In the order dated 26.5.2003 passed by the respondent no.1 in compliance of the judgment dated 1.1.2003, it has been clarified that the policy of the seasonal casual hot weather waterman ~~was~~ introduced by Railway Board was abolished by Railway Board vide their order dated 3.2.1992 and since then no fresh engagement was made. A consolidated list of casual H.W.W.M who were on roll at the relevant time was prepared ~~based~~ on their total number of working days by Jhansi Division of Central Railway. The last person namely Sri Yadunath Singh having 1765 working days as waterman in Commercial Department, was engaged during the year 1992, 1993 and 1994. The applicants are having not more than 1765 working days as HWMM so that they are not similarly situated. It was also clarified that the working days in other then Commercial units of casual labour mentioned in the aforesaid list was not taken into account

for the above temporary engagement. Since the engagement was for summer season only, it was not a regular absorption in Group 'D'. The respondent no.1 has <sup>also</sup> clearly mentioned that no junior H.W.W.M. was engaged temporarily. More-so, none has been regularised/absorbed in regular capacity since the policy of the casual HWWM had already been abolished.

3. We are of the view that the legality or otherwise of the order contained in the letter dated 26.5.2003 cannot be gone into the contempt jurisdiction. Incase, applicants feel aggrieved by any part of the order, their remedy is to approach the Tribunal on original side.

4. For the aforesaid reasons, the Contempt petition is dismissed. Notices issued to the respondents are hereby discharged.



MEMBER (A)



MEMBER (J)

GIRISH/-