

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. CPC 74 of 1998
(O.A. 720 of 1993)
(O.A. 792 of 1993)
(O.A. 954 of 1993)

Date of Order : 15.4.1999

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.
Hon'ble Mr. B.P. Singh, Administrative Member.

SUNIL KUMAR & ORS.

Vs.

S. RAMANATHAN
GENERAL MANAGER, EASTERN RLY.
& ORS.

For the applicants : Mr. K. Sarkar, counsel.

For the respondents : Mr. P.K. Arora, counsel.

ORDER

S.N. Mallick, V.C.

In this contempt petition, the applicants 1 and 2 in O.A. 720 of 1993, nos. 1 and 2 in O.A. 792 of 1993 and no. 1 in O.A. 954 of 1993 have made a grievance that the respondent-authorities have not cared to carry out the order passed by an earlier Bench of this Tribunal on 29.9.1997 disposing of 99 O.A.s including the aforesaid three O.A.s.

2. In the aforesaid O.A.s which was disposed of by a common order dated 29.9.1997, the present applicants prayed for a direction upon the respondent-authorities to incorporate their names in the current list of Hot-Weather Casual Staff and to give them consequential benefits like temporary status, etc.

3. We have gone through the judgment passed by the earlier Bench of this Tribunal disposing of those O.A.s including the

present three O.A.s. The case of the present applicants has been considered in paragraph 35 B of the judgment where the Tribunal noted that the present applicants produced paid vouchers for only 1987. The respective cases of the above applicants were negated by this Tribunal with the following observations :-

"Regarding petitioners mentioned in para 35B, since it is clear that they have been engaged only in 1987 without any authority, they have no right to be entered in the live casual labour list for re-engagement automatically as hot weather staff. Moreover, their engagement have been done only on the basis of Shri S.C.P. Ambastha's unauthorised orders issued in July, August and September, 1987 and since hot weather season normally terminates in September every year, they could not have otherwise worked for four months or 120 days continuously and thus acquired temporary status as claimed by them. However, it is admitted by the respondents that they have worked for some time during hot weather season of 1987 as fresh faces. Therefore, even though we are not inclined to direct inclusion of their names in the current list of hot weather staff for future re-engagement. However, whenever the respondents engage fresh faces, they may consider the cases of these petitioners, if otherwise eligible in preference to outsiders....
....."

In the contempt petition, the case of the applicants is that the respondent-authorities have not complied with the above directions of this Tribunal by enlisting their names in the live casual labour register even though they waited for nine months.


4. In view of the above judgment on record, we find no substance in such allegation. There was no direction upon the respondent-authorities to enlist the names of the applicants. The only direction was that in future re-engagement, whenever fresh faces are engaged, the above applicants may be considered provided they were otherwise eligible.


5. In the reply, the specific stand of the respondents is that no fresh faces have been engaged as hot weather staff as yet.

6. Under such circumstances, there is no violation of this Tribunal's order. We agree with the contention of Mr. P.K. Arora

that this contempt petition has no substance and there is no violation on the part of the respondent-authorities of the judgment passed by this Tribunal. Accordingly, we are not inclined to issue any contempt rule against the respondent-authorities.

7. The proceeding is dropped. No order is made as to costs.


(B.P. Singh)
Administrative Member


(S.N. Mallick)
Vice-Chairman

I. S.