

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CPC 93/98 (Arising out of OA 664/93  
OA 677/93 & OA 822/93)

Present : Hon'ble Mr. Justice S.N.Mallick, Vice-Chairman

Hon'ble Mr. B.P.Singh, Administrative Member

1. Md. Laddu
2. Parakram Mondal
3. Chhathu Prosad
4. Sushil Kumar Sen
5. Sonelal Thakur
6. Premchand Saha
7. Sitaram Thakur
8. Naresh Kumar
9. Lechmi Thakur
10. Sambhu Prosad Sah
11. Nagesh Kumar Sah
12. Dasarath Paramanik
13. Bhmeshwar Thakur
14. Shivshankar Prosad
15. Baldew Das
16. Md. Makim
17. Md. Tashir
18. Md. Umar Saikh
19. Jamuna Prosad Azam
20. Nilratan Biswas
21. Chittaranjan Mondal

.....Petitioners

VS

1. Shri S. Ramanathan, General Manager,  
E. Rly. Fairlie Place, Calcutta
2. Sri Nikhilesh Kumar Biswas,  
Div. Rly. Manager, E. Rly,  
Malda Division, Malda
3. Sri P.K.Chatterjee,  
Sr. Div. Personnel Officer, E.Rly.  
Malda Division, Malda

.... Respondents

For the petitioners : Mr. P.C.Oas, Counsel

For the respondents : Mr. R.K.De, Counsel

Heard on : 3.9.99 : Order on : 3.9.99

ORDER

S.N.Mallick, V.C.:

This contempt petition has been filed jointly by 21 petitioners, who were applicants of OA 664/93, OA 677/93 and OA 822/93. They have prayed for issuance of a contempt rule against the respondent authorities for alleged violation of the Tribunal's order dated 29.9.97 passed in the aforesaid OAs covering also a number of

similar other applications as per annexure-A. Reply has been filed on behalf of the respondents/alleged contemners wherein it is stated that the respondents have not committed any contempt of court by violation of the aforesaid order passed by the Tribunal in respect of the present petitioners.

2. We have heard Mr. P.C.Das, the ld. counsel for the petitioners and Mr. R.K.De, the ld. counsel appearing for the respondents/alleged contemners.

3. The aforesaid three OAs were filed by the present petitioners who were allegedly working as Hot Weather Staff, for their regularisation or absorption in the railway in Group D posts. Their case was considered by the earlier Bench of the Tribunal in para 35B of the final order. There the Tribunal has observed that out of several applicants of the aforesaid OAs, the following applicants produced paid vouchers for the year 1987 only :-

1. OA. 664/93 Applicant Nos. 2,4,5,7,11,12,13,14,15  
16,19,20,22,24,25,26,27 & 30 i.e. 18  
applicants.
2. OA 677/93 Applicant Nos. 2,4,5,6,12,14,15,23 &  
25 i.e. 9 applicants
3. OA 822/93 Applicant Nos. 1,4,5,6,11,15,16 & 26  
i.e. 8 applicants.

4. Regarding merit of their case, the findings of the Tribunal were made in para 39 of the Judgement which may be quoted below :-

" .... 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 because of their experience, provided such petitioners make appropriate application for such casual jobs."

5. The aforesaid order clearly decides that their case was not accepted by the Tribunal and the Tribunal was not inclined to direct inclusion of their names in the current list of hot weather staff for future re-engagement. However, the Tribunal compassionately directed the respondent authorities to consider the cases of the aforesaid petitioners before engaging any fresh faces, if they were otherwise eligible and in preference to the outsiders, provided such petitioners make appropriate application for such casual jobs. There is no averment in this contempt petition that any of the petitioners covered by the aforesaid final order of the Tribunal made any proper application before the appropriate authority for providing them with any casual job. Mr. P.C.Das, the ld. counsel appearing for the petitioners submits that no such application was filed after the delivery of the judgement. However, he submits that before the filing of the aforesaid OAs, the petitioners filed a number of representations for their absorption. But those representations were not directed to be reconsidered by the Tribunal. The fact stands that any of the petitioners made no fresh application for such casual job in terms of the Tribunal's order. Under such circumstances, we are unable to come to a finding that the respondent authorities have violated any part of the order passed by the Tribunal in respect of the present petitioners.

