

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

CPC NO. 123 of 2002
(OA No.1132 of 1997)

Date of Decision: 16.09.2004

PRESENT: HON'BLE MR. D.C. VERMA, VICE CHAIRMAN
HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

Kartik and 11 Others

Versus

Sri S.C. Sengupta, G.M., E.Rly, Culcutta & Another

Present for applicants: Mr. B. Chatterjee

Present for respondents: Mr. R.K. De

O R D E R (ORAL)

BY SARWESHWAR JHA, MEMBER (A) :

Heard the learned counsel for the parties.

2. This CPC has been filed against non-compliance of the order of the Tribunal as passed in OA No.1132 of 1997 on 8.2.2002. On perusal of the Tribunal's order as given in the OA, it is observed that the respondents have been directed to re-engage the applicants in their turn as Casual Labourers as and when the work is available in preference to the outsiders. The learned counsel for the applicants has submitted that the respondents are engaging outsiders by way of employing them through contractors. It is in this process that the respondents are showing complete disregard to the order of the Tribunal as given in the said OA.

3. On perusal of the reply as submitted by the respondents and also after having heard the learned

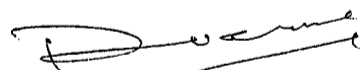
counsel for them, it is, however, observed that they have claimed that they have not engaged any Casual Labourers since the Tribunal's order as given in the OA. They have also undertaken that they will be reengaging the applicants as and when their turn comes. In this connection, they have elaborated their position in paragraph 4 of the reply in which they have clarified that 'when casual nature of jobs will arise and when the individual applicants' turn will come as per their inter-se seniority in the live casual labour register, the Railway Administration will have no problem to re-engage them after obtaining the approval of the competent authority.'

4. In the supplementary reply filed by the respondents also they have affirmed the same position and have submitted that they have not engaged any outsiders as Casual Labourers.

5. Having regard to the above, we thus donot find any non-compliance of the order on the part of the respondents and, therefore, this Contempt Petition is dismissed. Notices issued are discharged.



(Sarweshwar Jha)
Member (A)



(D.C. Verma)
Vice Chairman

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