

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Contempt Petition No.68/2005

In

Original Application No.465/1997

This, the 1st day of ^{December} November 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K. MISHRA, MEMBER (A)

Desh Raj, aged about 45 years, son of Sri Doolam, resident of Village Angangarh Jamunwa, P.O. Chamrauli, District Unnao.

Applicant.

By Advocate:- Shri S.P. Lal.

Versus.

1. Shri R.K. Gupta, Divisional Railway Manager, Railway Manager, Northern Railway, Hazratganj, Lucknow.

... Respondents.

By Advocate:- Shri Ajmal Khan.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER (JUDICIAL)

The Applicant has filed the C.C.P. under Section 17 of Administrative Tribunal Act, 1985 read with Section 12 of Contempt of Court Act to initiate the contempt proceedings against the respondent and punish him on the ground that they willfully and deliberately did not comply and taken any action as per the direction of the Tribunal in its order dt. 24.09.2004.

2. The respondent filed compliance report stating that they have complied with the order of this Tribunal and passed order vide order dt. 7.1.2008 (Ann.CA-1).

3. The applicant has filed Rejoinder Affidavit, stating that the authorities have not complied with the order of this Tribunal in accordance with the direction of this Tribunal vide order dt. 24.09.2004.

4. Heard both sides.

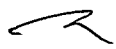
5. The point for consideration is whether the applicants are entitled for the relief as prayed for.

6. The admitted facts of the case are that the applicant who was a casual labour filed OA for reengagement or for regularization of services and the same was disposed of on 24.09.2004 with a direction to the respondents that in the event, name of the applicant exists in the Live Casual Labour Register (LCLR), working period of the applicant shall be verified and he shall be considered for engagement and further regularization in accordance with rules within a period of three months from the date of receipt of copy of this order. No costs.

7. The respondent filed compliance report, stating that the applicant has not completed 120 days continuously and as such, he is not entitled for any of the benefits.

8. But, it is the case of the applicant that he worked more than 120 days and the respondents also admitted the same in their Counter affidavit in OA and as such, he is entitled for regularization in service and thus, find fault with compliance report filed by the respondents.

9. Admittedly, this Tribunal, has not given any finding in the OA in respect of the entitlement or regularization of the applicant but given direction to the respondents to verify the working period of the



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applicant and he shall be considered for engagement and further regularization in accordance with rules within a period of three months from the date of receipt of copy of this order and in such circumstance, it is not open to the applicant to agitate that there was admission of the respondents that the applicant worked more than 120 days and he is entitled for regularization at this stage.

10. From the reading of compliance report dt. 7.1.2008 (Ann.CA-1), it is clear that the authorities have complied with the direction of the Tribunal and, if the applicant is still aggrieved, he is at liberty to file fresh OA and as such, there is no act of contempt on the part of respondent and thus C.C.P. is liable for dismissal.

In the result, C.C.P. is dismissed. Notice discharged.


(DR. A.K. MISHRA)

MEMBER (A)


(M. KANTHIAH)

MEMBER (J)

01-12-2008

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