

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH  
LUCKNOW

Lucknow this the 10th day of May, 99.

C.C.P. 87/92

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Ram Prasad aged about 26 years son of Shri Ram Surat resident of 554/152, Kha, Chota Barha, Alambagh, Lucknow.

Applicant.

By Advocate Shri K.M.N. Chak.

versus

1. Shri G.V. Singh, Director, Indian Sugarcane Research Institute, Raibareli Road, Lucknow.

2. Sri Sitaram Misra, Administrative Officer, Indian Sugar Cane Research Institute, Raibareli Road, Lucknow.

3. Shri Virendra Chopra, Director General Indian Sugar Cane Research Institute Lodhi Road, New Delhi.

Respondents.

By Advocate Smt. P.L. Nigam, B.H. for Dr. Ashok Nigam.

O R D E R (ORAL)

HON. MR. D.C. VERMA, MEMBER(J)

Ram Prasad, has by this C.C.P. prayed for ~~for~~ proceedings under Contempt of Courts Act, against the respondents as according to the applicant, the respondents have not complied with the order of the Tribunal passed on 4.8.92 in O.A. No. 314/91 Ram Prasad and 25 other vs. Union of India and others.

2. While deciding the O.A. 314/91 the Tribunal gave the following directions:

"As the applicants have worked in the department, the department shall include their names in the register of such casual workers and as and when vacancies arise,



may be casual in nature or regular nature, their cases shall be considered in accordance with the number of days worked by them whenever regular vacancies arise their cases will be given due priority.

3. With these observations, the application is being disposed finally."

3. By the above order the Tribunal directed the respondents to include the name of the applicant in the register of casual labours. A further direction was to consider their regularisation according to the number of days they have worked whenever regular vacancy arises by giving due priority to the applicant therein.

4. In the Counter Affidavit, the respondents have stated that due to non availability of regular or casual vacancies of Chaukidars the Institute is not in a position to consider their engagement as Chowkidar. It has been further stated that whenever regular vacancy will arise, their cases will be given due consideration as per recruitment rules of Group D employees. It has been also stated that the work of Chaukidar is being taken at the Institute by regular employees designated as Watchman/Chaukidar.

5. It is not the case of the applicant that any casual labour has been engaged by the department by the respondents, after 4.8.92. The learned counsel for the applicant has submitted that the work of casual labour which is of a perennial nature is being taken by the respondents through contractors. The respondents have on the other hand, in their Supplementary Counter affidavit stated that no vacancies have arisen and no appointment of fresh casual labours have



been made, therefore, the question of considering the applicant for appointment did not arise. The respondents have, however, stated that for certain work, under the policy framed by the I.C.A.R. the Institute has engaged Contractors. That work is being taken without creation of any vacancy. The learned counsel for the respondents has submitted, ~~that~~ as has been admitted by the respondents in their counter affidavit and also in their Supplementary Counter Affidavit, if regular vacancy arises, the claim of the applicants shall be given due priority.

6. The learned counsel for the ~~respondents~~ <sup>applicant</sup> have submitted that the work was of perennial nature, the respondents should not have taken any work with the help of a Contractor. Such an issue cannot be decided in contempt matter. As a Contempt Bench, this Tribunal is only to consider whether the direction given by the Tribunal in its order dated 4.8.92 has been intentionally flouted or remains uncomplied. There is nothing on record that the respondents have not complied with the order. The question that was a policy matter, decided by the I.C.A.R. for certain work, contractors have been engaged, can be a subject matter of another O.A. wherein it will have to be examined whether the work being taken with the help of Contractor could or could have not been given or taken from the casual labour as that of applicant. Such matters cannot be examined in a Contempt proceedings. Therefore, it will be for the applicant to challenge the same, ~~in a separate case~~, if so advised, by way of filing a separate O.A.

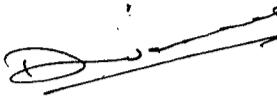


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7. The present C.C.P. has no merit and the same is dismissed as such. Notices issued are discharged.



MEMBER (A)



MEMBER (J)

Lucknow; Dated: 10.5.99

Shakeel/