

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA

CCPA No. 99/2002

( Arising out of OA No. 437/1996 )

Date of Order: 22.09.2005

C O R A M

Hon'ble Mr. Mantreshwar Jha, Member(A)

Hon'ble Ms. Sadhna Srivastava, Member(J)

Raghuni Rai and 31 others. .... Applicants.

By Advocate – Shri V.N. Ram.

-Versus -

1. Shri I.I.R.M.S. Rana, Chairman, Railway Board, Rail Bhawan, New Delhi.

2. Shri Om Prakash, General Manager, North Eastern Railway, Gorakhpur.

3. Shri R.G. Singh, Chief Engineer, West Construction, North Eastern Railway, Gorakhpur.

4. Shri R.N. Roy, Dy. Chief, B/G Construction, North Eastern Railway, Lucknow.

5. Shri Rajiv Kumar Gupta, Executive Engineer Incharge (Construction), North Eastern Railway, Lucknow.

..... Respondents.

By Advocate - Shri R. Griyaghey.



## ORDER

Mantreshwar Jha, Member(A)

This petition has been filed for alleged non compliance of the order passed by this Tribunal in OA No. 437 of 1996 as well as OA No. 330/97 dated 16.4.2002. The operative portion of the order passed in the above OAs is reproduced below:-

".....We dispose of the aforesaid OAs by directing the concerned respondents to examine and consider after due verification of the factual status of the applicants, the prayers of the applicant for their absorption against the suitable post in the Railway in the light of the principles laid down by the Hon'ble Apex Court In Indra Pal Singh Yadav case, and thereafter to pass appropriate orders in respect of the applicants, whose cases are covered by the aforesaid orders of the Hon'ble Supreme Court, against existing/future vacancies. No order as to costs."

2. There are in all 32 applicants who have filed this contempt petition alleging that despite direction of this Tribunal, respondents have not passed the speaking order in terms of the directions of the Tribunal.
3. Respondents have filed two sets of show cause. It has been submitted that the order of this Tribunal has already been complied with and the claims of applicants have been examined and appropriate orders passed after examining the same in terms of the directions of this Tribunal and the orders so passed have been enclosed as Annexure R/1 series in respect of all the applicants. According to these orders each



applicant has been informed about his seniority no. and the number of days each one has worked as casual labour. Besides, it has been indicated that their cases for re-engagement will be considered on the basis of vacancies and requirement of work according to their seniority and eligibility as per instructions applicable. It has been submitted in the show cause that as per directions of the Hon'ble Supreme Court in the case of Indra Pal Singh Yadav, live register has been maintained by Ex-Dy. Chief Engineer(Con.), Varanasi division wise, unit wise and category wise. Respondents have further pleaded that there has been some delay in passing appropriate orders because of time required in verification of the claims of the applicants.

4. With regard to the supplementary application filed by the applicant regarding availability of vacancy, respondents have submitted that after verification it has been found that the claim of existing vacancies made by the applicants is not correct. It has further been submitted that applicants are not coming in clean hands and therefore the contempt petition should not be continued any longer.

5. We have heard the learned counsel for both the parties and carefully gone through the records. We are aware of the recent decision of the Hon'ble Supreme Court in Civil



Appeal No. 3713 of 2005 arising out of SLP(C) No. 8096 of 2004 dated 15.7.2005 which has been circulated to us according to which contempt petitions were only to be examined as to whether the directions has been fully complied with. The Court or Tribunal is not supposed to rehear the entire case and decide the matter as if sitting in a review jurisdiction. After examining the contention of the applicants including supplementary application filed by the applicants and show cause filed by the respondents, we are satisfied that the order of this Tribunal has been complied with in substance. We are, therefore, not inclined to proceed further in the contempt petition. The contempt petition is, accordingly, dismissed and notices issued are discharged. The applicants are however at liberty to agitate the matter afresh as per remedy available to them, if they are aggrieved by the orders passed by the respondents.

  
(Sadhna Srivastava )  
Member(J)

  
( Mantralay Jha )  
Member(A)

Kabi.