

2/8/99

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH.

CONTEMPT PETITION No.12/99  
in  
Original O.A.No.347/95

Smt.CHELIAMMA &  
15 Others ..... Applicants

(Represented by  
Shri S.S.KARKERA, Advocate)

VERSUS

1.The Secretary  
Ministry of Agriculture )  
)  
2.Dr.J.N.Bora, Director, CPBF, )  
Aarey Milk Colony, Mumbai )  
at present working as )  
Nutritionist at )  
Regional Feed )  
Analytical Laboratory, ) Respondents  
Mumbai:400065. )  
)  
and )  
)  
3.DIRECTOR )  
Central Poultry Breeding Farm, )  
Aarey, Milk Colony, )  
Mumbai:400065. )

(Represented by  
Shri V.S. MASURKAR, Advocate  
FOR RESPONDENT NO.1 & 2)

I N D E X

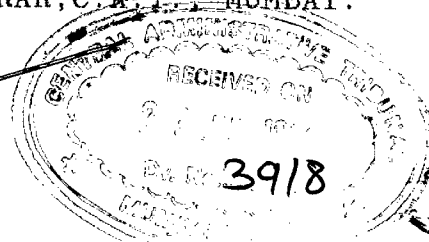
SR.NO.	EXHIBIT	PARTICULARS	PG.NOS.
1.	-	Written statement on on behalf of the Respondent No.1 & 3	14-17
2.	R-1	A copy of letter No.48-5/ 94-LD.II dt.18.3.1994.	18-22
3.	R-2	A copy of FIR dt.1.5.1998. /-----\   LAST PAGE NO:-   \-----/	23 23

PLACE : MUMBAI

Date : 24/7/99

Counsel for the Respondents.

To  
THE HON'BLE REGISTRAR, C.A.T., MUMBAI.



Handwritten signatures and notes at the bottom left of the page, including '24/7/99' and '3918'.

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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH AT MUMBAI

CONTEMPT PETITION No.12 of 1999

In

Original Application No.347 of 1995

Smt.CHELIAMMA &  
15 Others

..... Applicants

VERSUS

1.The Secretary	)	
Ministry of Agriculture	)	
2.Dr.J.N.Bora, Director,CPBF,	)	
Aarey Milk Colony, Mumbai	)	
at present working as	)	
Nutritionist at	)	
Regional Feed	)	
Analytical Laboratory,	)	Respondents
Mumbai:400065.	)	
	)	
and	)	
	)	
3.DIRECTOR	)	
Central Poultry Breeding Farm,	)	
Aarey, Milk Colony,	)	
Mumbai:400065.	)	

WRITTEN REPLY ON BEHALF OF THE Respondent NO.1 & 3.

in respect of CONTEMPT PETITION NO.12/99

I, Dr.Majdood Ahmad, DIRECTOR, having my office at  
CENTRAL POULTRY BREEDING FARM, (GOVT. OF INDIA), AAREY  
MILK COLONY, MUMBAI:400065 do hereby state on solemn  
affirmation as under.

1. I say that I have been authorised to file  
this reply on behalf of the Respondent  
No.1 & 3.
2. I say that I am acquainted with the facts and  
circumstances of the case, in my official  
capacity.

3. I say that I have gone through the contents/averments/allegations made in the Original Application and reply is as under:-

2. With reference to para 1 to 3 of Contempt Petition the Respondents No.1 & 3 says that the contentions are substantially correct.

3. With reference to para 4 of Contempt Petition the Respondents No.1 & 3 says that the contents are not correct. The O. A. No.347/95 is filed by 15 applicants on 20.2.95 and the same was admitted on 12.6.95. The reason for terminating services of 4 said employees w.e.f. 1.5.1998 was for their act of criminal assault on the Head of Office, while he was performing his duties on his chair. The orders passed by the Honourable CAT dated 12.6.1995 on O.A.No.347/95 was pertaining to regularisation of services of the applicants with a view of bringing them on para with the group D employees. The Interim Relief given by Honourable CAT was for NORMAL CONDITIONS "if the respondents wants to terminate the services they shall give one month's notice before enforcing the termination order". The para 4 of No.48-5/94-LD.II/Admn.III dated 22.12.1994 from Department of A.H. regarding Grant of temporary status to Casual Workers under the scheme "Casual Labourers (Grant of temporary Status and regularisation) Scheme of Govt. of India 1993" is relevant and hence the said letter dated 22.12.94 is annexed as Ex.R-1.

"Despite conferment of temporary status, the services of a casual labourers may be dispensed with by giving a notice of one month in writting. A Casual Labourer with temporary status can also quit services by giving a

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written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work. The termination orders of above 4 applicants says "termination forthwith the services of" and also that "he shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the said rates at which he was drawing them immediately before the termination of his services". The second clause was put up by the respondent to honour the Honourable CATs Interim Relief to the applicants on O.A.No.347/95.

4. With reference to paras 5 to 6 of Contempt Petition, the Respondent No.1 & 3 says that the averment looks to be a lame excuse for covering a delay of tracing a leading Advocate procuring copies of judgement for a period of 1.5.1998 to the date of disposal of the case No.430/98 on 18.3.1999. Rather it may be a case of ignorance of applicants and their learned Counsel as regards to the Interim Relief given by the honourable CAT for O.A.347/95 ON 19.6.1995. The copy of said CAT Interim Relief could also be sought from H'ble CAT, Mumbai Bench in a single day. Sudden recollecting it and including it as a basis for filling a Miscellaneous Petition to linger on a detailed heard O.A.No.430 of 1998 which was rejected by Honourable CAT, Mumbai on 18.3.1999 may be just a waste of the valuable time of Honourable CAT.

Thus the Contempt Petition deserves a outright rejection.

5. With reference to para 7 of Contempt Petition, the Respondent No.1 & 3 says that the orders passed by the respondents for terminating services of 4 regular

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casuals who collectively made criminal assault on the Director while he was performing duty in his chamber was the only punishment which could be given to such workers for a criminal assault. FIR was also lodged to local Police Station by Dr.J.N. Bora on the day of incident (copy enclosed at R-2). They warned the above workers for maintaining peace in the campus. The Interim Relief to all Regular casual under O.A.No.347/95 was for NORMAL CONDITION only.

6. With reference to para 8 of Contempt Petition, the Respondent No.1 & 3 says that the reply should come from Respondent No.2 as it pertains to him.

7. With reference to para 9 of Contempt Petition, the Respondent No.1 & 3 says that CONTEMPT PETITION deserves to be rejected by the Honourable CAT on the grounds explained above.


#### V E R I F I C A T I O N

I, Dr.MAJDOOD AHMAD, DIRECTOR, having my office at CENTRAL POULTRY BREEDING FARM, (GOVT. OF INDIA), AAREY MILK COLONY, MUMBAI:400065 do hereby state on solemn affirmation that whatever, is stated in reply to the Contempt Petition is true to my personal knowledge and belief as revealed from the perusal of the official record on the subject and also state that no material aspects has been suppressed.

PLACE : MUMBAI.

DATE: 24/07/99

for RESPONDENTS. *M. AEMC*

  
(VINAY S. MASURKAR)  
Addl.Cent.Govt.Sr.Standing Counsel  
for the RESPONDENTS.

निदेशक, DIRECTOR  
केन्द्रीय कुक्कुट प्रजनन फार्म,  
CENTRAL-POULTRY BREEDING FARM,  
(सरकार), (GOVERNMENT OF INDIA),  
आरे दुग्ध बसाहत, AAREY MILK COLONY,  
मुंबई - MUMBAI - 400 065.