

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 18/2/2022

CP No.122/1994 (OA No.610/92)

Udai Ram s/o Shri Ram Palji Kumawat r/o Plot No.148, Nehru
Nagar, Jaipur.

..Petitioner

Versus

1. K.A.Nambiar, Secretary, Ministry of Defence,
Govt. of India, New Delhi.
2. Maj. Rajendra Singh, Officer Commanding, 303
Coy, ASC (Supply), Type 'A' c/o 56 APO.
3. Capt. P.S.Kharwal 2 I/c, Supply Depot, Jaipur,
Rajasthan.

.. Respondents

Mr. U.D.Sharma, counsel for the applicant.

Mr. R.L.Agarwal, proxy counsel to Mr. Bhanwar Bagri,
counsel for the respondent-contemners

CORAM:

Hon'ble Mr. S.K.Agarwal, Member (Judicial)

Hon'ble Mr. H.O.Gupta, Member (Administrative)

ORDER

Per Hon'ble Mr. H.O.Gupta, Member (Administrative)

This Contempt Petition has been filed for
alleged wilful disobedience of the order dated 17th
January, 1994 passed by this Tribunal in OA No.610/92
(Udai Ram v. Union of India).


2. The grounds taken in the petition are that:

2.1 Pursuant to the said order (supra), he

appeared before contemner No.2 in person and requested him to allow him to work on the said post, but he refused to take him on duty. Even after he sent his joining report by Registered post, he was not allowed to join. The respondent-contemner No.3 vide his order dated 1.2.94 informed that there is no work available in the Department. Despite clear-cut directions of the Tribunal with regard to employing him as daily rated casual labour and continue till the work is available, the respondent-contemnners have not given any appointment thereby flouted the orders of the Tribunal. In fact, there is lot of work available in the Supply Depot, Jaipur as the respondent-contemnners have been engaging 15-22 persons on muster rolls as daily wagers. Further, the nature of work with the respondent-contemnners is of permanent nature.

2.2 S/Shri Chottey Lal and Kailash, who were appointed in 1986 were confirmed on their posts in the year 1992 whereas he was appointed in the year 1981 but his candidature has not been considered. Since he was working from 1981 to 1988 which shows that the respondent-contemnners have regular nature of work, but still they are engaging other persons without considering his case.

2.3 He filed a Contempt Petition and in reply, the contemnners submitted that the order of the Tribunal has been complied with, whereas as a matter of fact, no compliance has been done. He was allowed to work only for 12 days after the directions of the Tribunal, whereas other junior persons were regularly working on their respective posts.




2.4 He filed a Misc. Application in the Contempt Petition in which this Tribunal gave specific directions that whenever a vacancy is available on account of excess work, the case of the applicant should be considered.

3. In reply, the respondent-contemners have submitted that the applicant did not comply with the directions issued by the Tribunal and never appears before the concerned officer at 0800 hours, when the need to engage is determined with regard to excess work, if any, to make up absentee regular labourers. The need to employ extra labourers arises only in the event of excess load of work or to make up the absentee regular labourers. As per the order of the Tribunal dated 22.8.94, the case of the applicant was required to be considered for re-employment if there was any excess work available and if reported in time and hence this Contempt Petition deserves to be dismissed on this count alone. The allegation that there is lot of work is false. There is no regular nature of work available with the respondent establishment as is evident from the nature of work.

4. Heard the learned counsel for the parties and perused the record.

4.1 The applicant had filed a Contempt Petition No.25/94 for alleged wilful disobedience of the order dated 17.1.1994 passed in OA No.610/92 which was dismissed vide order dated 4.7.94. Thereafter the applicant preferred a Misc. Application No.327/94 in which vide




order dated 22.8.94 the Tribunal ordered as under:-

"Heard learned counsel for the parties. It is not in the interest of the public to consider the Military matters in such a light way. If there is any excess work, the person can be employed and should be employed and no arbitrary action should be taken. However, a person who wants appointment should go in time and should approach the authorities in time and thereafter he can claim the benefit. The applicant can again go and make submission whenever the vacancy is available on account of the excess work and thereafter his case will be considered by the authorities concerned, for re-engagement. With these remarks the MA stands disposed of."

4.2 The learned counsel for the respondent-contemners during the course of hearing submitted that as and when any casual nature of work relating to any Group 'D' post arises under the control of respondent No. 2 and 3, the applicant shall be given preference over others keeping in view his past experience and seniority. Also, for loading-unloading work, respondents Nos. 2 and 3 will give preference to the applicant over others whenever such work arises, provided the petitioner approaches in time.

5.0 Having taken note of the submissions of the learned counsel for the respondent-contemners and keeping in view our order dated 22.8.94 in Misc. Application No.327/94, we are of the view that there is no wilful



disobedience of the order of this Tribunal. Accordingly, this Contempt Petition is dismissed. Noticees are discharged. No order as to costs.


(H.O.GUPTA)

Member (Administrative)


(S.K.AGARWAL)

Member (Judicial)