

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order: 4.12.2000

CP 12/97(OA 84/95)

Bhag Chand son of Brahmaji aged about 25 years resident of 67, Nahargarh Road, Nimri Ki Police, Jaipur and working as Safaiwala, Head Record Office, Railway Mail Service, Jaipur.

.... Petitioner.

Versus

1. N.R. Bhattacharyya, Chief Postmaster General, Rajasthan Circle, Jaipur.
2. S.F. Rizvi, Senior Superintendent, Railway Mail Service, Jaipur Division, Jaipur.

.... Respondents.

Mr. K.L. Thawani, Counsel for the applicant.
Mr. V.S. Gurjar, Counsel for the respondents.

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Hon'ble Mr. S.K. Agarwal, Member (Judicial)
Hon'ble Mr. A.P. Nagrath, Member (Administrative).

ORDER

(PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL))

This Contempt Petition has arisen out of order dated passed in OA 84/95 decided on 20.9.96.

2. This Tribunal vide order dated 20.9.96 given in OA No. 84/95 issued following direction:-

"For all the aforesaid reasons, the issue raised in this OA is answered in the affirmative. The OA is allowed and the respondents are directed to treat the applicant as full time casual worker for the purpose of grant of temporary status in

...2/-

Group D posts w.e.f. 12.2.1995, the date of filing of this OA, in accordance with the scheme promulgated by their circular dated 12.4.1991 referred to above with consequential benefits. The applicant however will not be entitled to any arrears/back wages arising out of such direction. The respondents should comply with this direction within a period of three months from the date of receipt of a copy of this order. In the facts and circumstances of the case, there shall be no order as to costs."

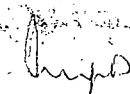
3. It is stated by the petitioner that opposite parties have wilfully and deliberately dis-obeyed the orders issued by this Tribunal. Therefore, they should be punished for committing contempt.

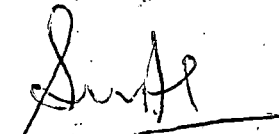
4. Notices to show-cause was given to the opposite parties and reply was filed by the opposite parties. In the reply, it has been stated that Hon'ble Supreme Court has decided the appeal holding that the Tribunal was not right in coming to the conclusion that the Scheme for conferring temporary status to full time casual Labourers is also applicable to the part-time casual labourers as it was decided in the case of Secretary, Ministry of Communications & Others vs. Sakkubai and another reported in 1997(11)SCC 224. Finally, it is stated in the reply that in view of the decision given in Appeal and the case stated, as above, this Contempt Petition is not maintainable and deserves to be dismissed.

5. We have heard the learned counsel for the parties and also perused the order passed by Hon'ble Supreme Court in the Appeal. In the facts the circumstances and looking to the decision given in the Appeal, we do not find any basis to punish the opposite party and this Contempt Petition deserves to be dismissed.

...3/-

6. We, therefore, dismiss this Contempt Petition as having no merits.


(A.P. NAGRATH)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)