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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH : JAIPUR

Date of order : 17.11.2000

C.P. No. 164/95

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O.A. No. 83/93

1. Mohammed Masoom son of Shri Abdul Subhan, House No. H-408, Azad Marg, C-Scheme, Jaipur.
2. Gopal Singh Gurjar son of Shri Murari Lal Gurjar, Back side of Purohit Hotel, Lalpura Colony, Vanasthali Marg, Jaipur.
3. Dungar Singh son of Shri Ganga Ram, C/o. Shri Murari Lal Gurjar, Back side of Purohit Hotel, Lalpura Colony, Vanasthali Marg, Jaipur.
4. Shambhu Kumar Sharma son of Shri Mahaveer Prasad Sharma, Ward No. 12, Vill/Post Khandela (Sikar).
5. Anil Kumar son of Shri Bhanwari Lal C/o. Shri Prabhu Narain Halwai, Plot No. 44, Kumawat Wari, Khatipura, Jaipur.
6. Narendra Singh son of Shri Sada Ram C/o. Shri Silag Ram, M.E.S. Colony, Near G.E. Office, Khatipura, Jaipur.

All the above named petitioners are working as casual workers at the Passport Office, SB-107, Univesity Marg, Tonk Road, Jaipur.

... Petitioners.

v e r s u s

1. Shri Lalit Man Singh, Secretary to the Government of India, Ministry of Foreign and External Affairs, New Delhi.
2. Shri R.L. Koli, Passport Officer, Passport Office, University Marg, Tonk Road, Jaipur.

... Respondents.

Mr. P.V. Calla, Counsel for the petitioners.

Mr. V.S. Gurjar, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. N.P. Nawani, Administrative Member.



: O R D E R :

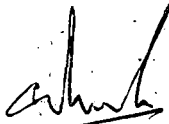
(Per Hon'ble Mr. Justice B.S. Raikote)


This Contempt Petition is filed complaining the disobedience of the order of this Tribunal dated 8.5.95 passed in O.A. No. 83/93. The learned counsel for the respondents stated that a similar Contempt Petition filed by other applicant in the same O.A. has already been dismissed, therefore, this Contempt Petition is barred by res judicata. On the other hand, learned counsel for the petitioners submits that the petitioners have got separate cause of action and this Contempt Petition is maintainable.

2. We find from the order of this Tribunal dated 8.5.95 passed in O.A. No. 83/93 that this Tribunal directed the respondents to consider the case of the applicants for regularisation in accordance with the Scheme Annexure A/6 filed in the case. This Tribunal further directed that the case of the applicants shall be considered for regularisation in Group 'D' in accordance with the said Scheme Annexure A/6, subject to their eligibility. In the O.A., there were in all 10 applicants, who were casual workers. They claimed a direction for the grant of temporary status in terms of the Scheme vide Annexure A/6 in the O.A. Accordingly, an order was passed by this Tribunal on 8.5.95. One of the applicants, by name - Miss Seema Jaidi, filed a Contempt Petition No. 174/95 against the order passed in O.A. No. 83/93. The said Contempt Petition has been dismissed by this Tribunal vide order dated 20.12.99, observing that in view of the judgement of Hon'ble the Supreme Court dated 27.1.97 in SLP (Civil) No. 2309 of 1997, CC No. 734/97, Passport Officer, Trivandrum & Ors. vs. Venugopal C. & Ors., the persons would be entitled to temporary status, provided such persons were recruited through Employment Exchange. The fact that the petitioners were not employed through Employment Exchange, is not disputed. Alongwith the Contempt Petition, the petitioners have filed Annexure A/1, which shows that they were given temporary status vide order 17.5.94

and the same was withdrawn vide Annexure A/2 dated 7.7.94 on the ground that the petitioners were not recruited through any Employment Exchange. This order, the applicants have not challenged. Moreover, in obedience of the order of this Tribunal dated 8.5.95 in O.A. No. 83/93, the department considered the case of the petitioners, and accordingly, passed an order dated 4.12.96 in reference No. JPR/551/5/95, stating that the petitioners were not entitled to temporary status. This order also, the petitioners did not challenge. The direction issued to the respondents was to consider the case of the petitioners and their case was considered and rejected. If the petitioners were aggrieved with that orders, they should have challenged the same at that time. The department has rejected the case of the petitioners in view of the law declared by Hon'ble the Supreme Court that in terms of the Scheme, such grant of temporary status was permissible only to the candidates recruited through Employment Exchange. In the instant case, the petitioners were not recruited through any Employment Exchange as casual labourers. If that is so, there are no merits in this petition. In fact, for this reason only, the Contempt Petition filed earlier by one of the applicants, Miss Seema Zaidi, in C.P. No. 174/95 (OA No. 83/93), was dismissed vide order dated 20.12.99. Therefore, we do not find any merits in this Contempt Petition also. Accordingly, we pass the order as under:-

"The Contempt Petition is dismissed. Notices are discharged."

  
(N.P. NAWANI)  
Adm. Member

  
(JUSTICE B.S. RAIKOTE)  
Vice Chairman

cvr.