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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 4.4.2000

CP 27/97 (OA 295/95)

1. Chhaju s/o Shri Mahadeo r/o Banjaria Ki Dhani, Hingonia, Tehsil Bassi, Distt. Jaipur.
2. Nathu Lal s/o Barda Ram r/o Dhani Hingonia, Tehsil Bassi, Distt. Jaipur.

... Petitioners

v/s.

Shri D.R.Sharma, Divisional Railway Manager, Western Railway, Jaipur.

... Respondent

CORAM:

HON'BLE MR.JUSTICE B.S.RAIHOTE, VICE CHAIRMAN  
HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the petitioners

... Shri M.B.Sharma

For the respondents

... Shri Hemant Gupta, proxy  
counsel for Shri M.Rafiq

O R D E R

(PER HON'BLE MR.JUSTICE B.S.RAIHOTE, VICE CHAIRMAN)

This Contempt Petition is filed complaining the violation of the order of this Tribunal dated 2.4.96 passed in OA 295/95. We think it appropriate to extract the relevant portion part of the order, as under :-


"4. In the light of the decision referred to above, we dispose of the present OA with a direction to the respondents to include the names of the applicants in the Live Casual Register, if eligible for such inclusion, in terms of the circular dated 28.8.87 and give engagements to them as Casual Labourers as and when need occurs in accordance with their seniority in that Register. The applicants shall make representations to respondent No.2 in regard to their working days as Casual Labourers within a period of one month from today."

2. From the above order it is clear that the respondent No.2 was directed to consider the case of the applicants to engage them as casual labourers provided the applicants make representation within a period of one month. It is not seriously disputed before us that the applicants made such representation in terms of that order. The applicants, when their representation was not being considered, got issued a legal notice dated 23.8.96 through an advocate. Thereafter, nothing was known from the respondents. Therefore, they have approached this Tribunal by way of this Contempt Petition.

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3. In the reply it is stated by the respondents that in fact after receiving the legal notice dated 23.6.96, the respondents considered the representation of the applicants and consequently their representation was rejected vide order dated 14.10.96, at Annexure R/1. At this ~~stage~~<sup>stage</sup>, the learned counsel for the applicants submits that this Annexure R/1 has not been received by the complainants or their counsel. Whatever it may be, one thing is clear that a positive order has been passed by the respondents vide Annexure R/1 and that was in pursuance of the directions issued by this Tribunal in OA 295/95. If that is so, as of today, this Contempt Petition cannot be entertained since the directions of this Tribunal have <sup>been</sup> carried out by the respondents. If the applicants feel <sup>↑</sup>aggrieved by the order dated 14.10.96 (Annexure R/1), it is open to them to challenge the same by a separate application before this Tribunal. In view of these circumstances, we pass the order as under :-

The Contempt Petition is dismissed. However, it is open to the applicants to challenge the order of the respondents dated 14.10.96 (Annexure R/1) filed alongwith the reply to the Contempt Petition.

  
(N.P. NAWANI)  
MEMBER (A)

  
(B.S. RAIKOTE)  
VICE CHAIRMAN