

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH : JAIPUR

Date of order : 13. 9. 2000

C.P. No. 35/2000

in

O.A. No. 135/2000

Nand Kishore Gupta, son of Shri Ghanshyam Dutt, aged about 35 years, resident of 1/755, Malviya Nagar, Jaipur, working as Senior Clerk under Senior Divisional Mechanical Engineer, Jaipur, Divisional Railway Manager Office, Power House Road, Jaipur.

... Petitioner.

versus

1. Shri Arimardhan Singh, Divisional Railway manager, DRM Office, Power House Road, Jaipur.
2. Shri Rajesh Kuresia, chief Power Controller, DRM Office, Power House Road, Jaipur.

... Respondents.

Mr. S.K. Jain, Counsel for the Petitioner.

Mr. B.K. Sharma, 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 25.05.2000, contending that the applicant is not being allowed to discharge his duties as per the direction of this Tribunal. Therefore, the respondents have committed contempt of this Tribunal.

2. By filing reply, the respondents have denied the complaint made

against them. They have stated that in obedience of the order of the Tribunal dated 25.05.2000, they have issued a letter dated 31.05.2000, a copy of which is filed as Annex. CP/3, stating that the applicant may join his duties immediately and start working according to the roster assigned to him, i.e. from 14.00 hrs to 22.00 hrs., with effect from 30.05.2000 to 02.06.2000. It is also mentioned in Annex. CP/3 that if the applicant finds any difficulty to attend the duty according to the roster, he should meet the Chief Welfare Inspector. They have also stated that on 31.05.2000, the applicant reported for duty at about 15.00 hrs. and left at 17.00 hrs. In those circumstances, in the attendance register, he was marked absent since he did not discharge the duties till 22.00 hrs, as required. They have also stated that on 1st and 2nd June, 2000, the applicant had come to the office at 09.30 hrs. and put his signature in the attendance register unauthorisedly. In fact, his roster is from 14.00 hrs. to 22.00 hrs. and he was again directed to report for duty according to the CPCR (Chief Power Controller Railways) roster. Respondents have also stated that the applicant is not joining the duties as per the roster from 14.00 hrs. to 22.00 hrs and on the contrary, he is threatening the department, stating that if he is not allowed to work from 9.30 a.m. to 6.00 p.m., he would file a contempt petition before this Tribunal. Respondents have further stated that they have not disobeyed the order of this Tribunal, but in fact, they have obeyed the order of this Tribunal by issuing a letter vide Annex. CP/3, asking the applicant to report for duty, but it is the applicant, who is refusing to work as per the CPCR roster. Therefore, they have not committed any contempt of Court and the proceedings may be dropped.

3. Heard the learned counsel for the parties.

4. From the order dated 25.05.2000, we find that this Tribunal has directed the respondent No.2 to allow the applicant to join the duty

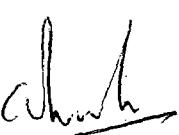
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immediately. It is also stated that if the respondents are thinking to initiate any disciplinay proceedings against the applicant, they are free to do so. From the direction of the Tribunal dated 25.05.2000, what is required to be done on behalf of the respondents was to take the applicant on duty. He should be taken on the post which he was holding according to the roster applicable to that post on a particular day. There is no direction of this Tribunal that he should be taken on duty with reference to any duty hours. Therefore, in terms of the order of this Tribunal, the applicant was required to go and join his duties as per the roster on that day. Therefore, it was not open to the applicant to contend that his duty hours is only from 9.30 a.m. to 6.00 p.m., contrary to the roster prescribed for the post. It is brought to our notice that CPCR (Chief Power Controller Railways) works round the clock and 8 hours work was assigned even to the clerical staff. In fact, in the main O.A., the applicant's grievance is regarding these timings only; that his times shall be taken as if from 9.30 a.m. to 6.00 p.m., but that matter is yet to be decided in the O.A. The interpretation placed by the applicant regarding the nature of duty hours is the matter yet to be decided in the O.A. Therefore, this Tribunal has not directed the respondent to take the applicant on duty only between 9.30 a.m. to 6.00 p.m. If that is so, we cannot find any disobedience of the order of this Tribunal dated 25.05.2000. On the other hand, we find that in obedience of the order of this Tribunal, the applicant was allowed to join the duties immediately. In these circumstances, we do not find any merit in this contempt petition. However, the learned counsel for the applicant further contended that even for subsequent days, i.e. after the 2nd June, 2000, no roster is provided to him, therefore, he has been reporting every day at 9.30 a.m. As we have already pointed out, the office in question where the applicant has been working, is an office which works round the clock. According to the roster, the employees of that office are discharging the duties as <sup>per day</sup> ~~the~~ roster in 3

shifts. We find from the extract of the attendance register filed at C.R/1 and C.R/2 that there are number of other persons, including the clerical staff, discharging the duties in this Section i.e. one Head Clerk and others are Clerks. It is not in dispute that the applicant also belongs to clerical staff, therefore, he is also bound to follow the roster. Regarding his alleged timings, the matter is still under consideration of this Tribunal in the O.A. In these circumstances, the applicant's going at 9.30 a.m. in the office according to his own interpretation would not be relevant as far as the contempt petition is concerned. We make it clear that even now the respondents may allow him to join duties, provided he reports for duty as per the CPCR roster.

5. For the above reasons, we find that this is not a case wherein any contempt of this Tribunal is committed. Accordingly, we pass the order as under:-

Contempt Petition is dismissed and the notices already issued are discharged. However, we think it appropriate to direct the respondents to take the applicant on duty, provided he reports for duty as per the prescribed roster in the office of the CPCR.

  
(N.P. NAWANI)

Adm. Member

  
(B.S. RAKOTE)

Vice Chairman